

ACTS
AND
RESOLVES
PASSED BY THE
General Court of Massachusetts,
IN THE YEAR
1881,
TOGETHER WITH
THE CONSTITUTION, THE MESSAGES OF THE GOVERNOR,
LIST OF THE CIVIL GOVERNMENT, CHANGES
OF NAMES OF PERSONS,
ETC., ETC.

PUBLISHED BY THE
SECRETARY OF THE COMMONWEALTH.



BOSTON:
Rand. Avery, & Co., Printers to the Commonwealth,
117 FRANKLIN STREET.
1881.

A CONSTITUTION
OR
FORM OF GOVERNMENT
FOR THE
Commonwealth of Massachusetts.

PREAMBLE.

THE end of the institution, maintenance and administration of government, is to secure the existence of the body politic, to protect it, and to furnish the individuals who compose it with the power of enjoying, in safety and tranquillity, their natural rights, and the blessings of life: and whenever these great objects are not obtained, the people have a right to alter the government, and to take measures necessary for their safety, prosperity and happiness.

Objects of government.

The body politic is formed by a voluntary association of individuals: it is a social compact, by which the whole people covenants with each citizen, and each citizen with the whole people, that all shall be governed by certain laws for the common good. It is the duty of the people, therefore, in framing a constitution of government, to provide for an equitable mode of making laws, as well as for an impartial interpretation and a faithful execution of them; that every man may, at all times, find his security in them.

Body politic,
how formed.
Its nature.

We, therefore, the people of Massachusetts, acknowledging, with grateful hearts, the goodness of the great Legislator of the universe, in affording us, in the course of his providence, an opportunity, deliberately and peaceably, without fraud, violence or surprise, of entering into an original, explicit and solemn compact with each other;

CONSTITUTION OF THE

and of forming a new constitution of civil government for ourselves and posterity; and devoutly imploring his direction in so interesting a design, do agree upon, ordain and establish the following *Declaration of Rights and Frame of Government*, as the CONSTITUTION OF THE COMMONWEALTH OF MASSACHUSETTS.

 PART THE FIRST.

A Declaration of the Rights of the Inhabitants of the Commonwealth of Massachusetts.

Equality and
natural rights
of all men.

ART. I. All men are born free and equal, and have certain natural, essential and unalienable rights; among which may be reckoned the right of enjoying and defending their lives and liberties; that of acquiring, possessing and protecting property; in fine, that of seeking and obtaining their safety and happiness.

Right and duty
of public reli-
gious worship.

II. It is the right as well as the duty of all men in society, publicly, and at stated seasons, to worship the SUPREME BEING, the great Creator and Preserver of the universe. And no subject shall be hurt, molested or restrained, in his person, liberty or estate, for worshipping God in the manner and season most agreeable to the dictates of his own conscience; or for his religious profession or sentiments; provided he doth not disturb the public peace, or obstruct others in their religious worship.

Protection
therein.

Amendment,
Art. XI., sub-
stituted for this.

[III. As the happiness of a people, and the good order and preservation of civil government, essentially depend upon piety, religion and morality; and as these cannot be generally diffused through a community, but by the institution of the public worship of God, and of public instructions in piety, religion and morality: Therefore, to promote their happiness, and to secure the good order and preservation of their Government, the people of this Commonwealth have a right to invest their legislature with power to authorize and require, and the legislature shall, from time to time, authorize and require the several towns, parishes, precincts, and other bodies politic, or religious societies, to make suitable provision, at their own expense, for the institution of the public worship of God, and for the support and maintenance of public Protestant teachers of piety, religion and morality, in all cases where such provision shall not be made voluntarily.

Legislature em-
powered to com-
pel provision for
public worship;

And the people of this Commonwealth have also a right to, and do, invest their legislature with authority to enjoin upon all the subjects an attendance upon the instructions of the public teachers aforesaid, at stated times and seasons, if there be any on whose instructions they can conscientiously and conveniently attend.

and to enjoin an attendance thereon.

Provided, notwithstanding, that the several towns, parishes, precincts, and other bodies politic, or religious societies, shall at all times have the exclusive right of electing their public teachers, and of contracting with them for their support and maintenance.

Exclusive right of electing religious teachers secured.

And all moneys, paid by the subject, to the support of public worship, and of the public teachers aforesaid, shall, if he require it, be uniformly applied to the support of the public teacher or teachers of his own religious sect or denomination, provided there be any on whose instructions he attends ; otherwise it may be paid towards the support of the teacher or teachers of the parish or precinct in which the said moneys are raised.

Option as to whom parochial taxes may be paid, unless, &c.

And every denomination of Christians, demeaning themselves peaceably, and as good subjects of the Commonwealth, shall be equally under the protection of the law : and no subordination of any one sect or denomination to another shall ever be established by law.]

All denominations equally protected. Subordination of one sect to another prohibited.

IV. The people of this Commonwealth have the sole and exclusive right of governing themselves as a free, sovereign and independent State ; and do, and forever hereafter shall, exercise and enjoy every power, jurisdiction and right, which is not, or may not hereafter, be by them expressly delegated to the United States of America, in Congress assembled.

Right of self-government secured.

V. All power residing originally in the people, and being derived from them, the several magistrates and officers of government, vested with authority, whether legislative, executive or judicial, are their substitutes and agents and are at all times accountable to them.

Accountability of all officers, &c.

VI. No man, nor corporation or association of men, have any other title to obtain advantages, or particular and exclusive privileges, distinct from those of the community, than what arises from the consideration of services rendered to the public ; and this title being in nature neither hereditary, nor transmissible to children or descendants, or relations by blood, the idea of a man born a magistrate, lawgiver or judge, is absurd and unnatural.

Services rendered to the public being the only title to peculiar privileges, hereditary offices are absurd and unnatural.

VII. Government is instituted for the common good ; for the protection, safety, prosperity and happiness of the people ; and not for the profit, honor or private interest of any one man, family or class of men : Therefore the people alone have an incontestable, unalienable and indefeasible right to institute government ; and to reform, alter or totally change the same, when their protection, safety, prosperity and happiness require it.

Objects of government ; right of people to institute and change it.

Right of people
to secure rota-
tion in office.

VIII. In order to prevent those who are vested with authority from becoming oppressors, the people have a right at such periods and in such manner as they shall establish by their frame of government, to cause their public officers to return to private life; and to fill up vacant places by certain and regular elections and appointments.

All, having the
qualifications
prescribed,
equally eligible
to office.

IX. All elections ought to be free; and all the inhabitants of this Commonwealth, having such qualifications as they shall establish by their frame of government, have an equal right to elect officers, and to be elected, for public employments.

Right of protec-
tion and duty of
contribution
correlative.

X. Each individual of the society has a right to be protected by it in the enjoyment of his life, liberty and property, according to standing laws. He is obliged, consequently, to contribute his share to the expense of this protection; to give his personal service, or an equivalent, when necessary: but no part of the property of any individual can, with justice, be taken from him, or applied to public uses, without his own consent, or that of the representative body of the people. In fine, the people of this Commonwealth are not controllable by any other laws than those to which their constitutional representative body have given their consent. And whenever the public exigencies require that the property of any individual should be appropriated to public uses, he shall receive a reasonable compensation therefor.

Taxation found-
ed on consent.

Private prop-
erty not to be
taken for pub-
lic uses with-
out, &c.

Remedies by
recourse to the
law to be free,
complete and
prompt.

XI. Every subject of the Commonwealth ought to find a certain remedy, by having recourse to the laws, for all injuries or wrongs which he may receive in his person, property or character. He ought to obtain right and justice freely, and without being obliged to purchase it; completely, and without any denial; promptly, and without delay; conformably to the laws.

Prosecutions
regulated.

XII. No subject shall be held to answer for any crimes or offence until the same is fully and plainly, substantially and formally, described to him; or be compelled to accuse, or furnish evidence against himself. And every subject shall have a right to produce all proofs that may be favorable to him; to meet the witnesses against him face to face, and to be fully heard in his defence by himself, or his counsel, at his election. And no subject shall be arrested, imprisoned, despoiled or deprived of his property, immunities or privileges, put out of the protection of the law, exiled or deprived of his life, liberty or estate, but by the judgment of his peers, or the law of the land.

And the legislature shall not make any law that shall subject any person to a capital or infamous punishment, excepting for the government of the army and navy, without trial by jury.

Right to trial by jury in criminal cases, except, &c.

XIII. In criminal prosecutions, the verification of facts, in the vicinity where they happen, is one of the greatest securities of the life, liberty and property of the citizen.

Crimes to be proved in the vicinity.

XIV. Every subject has a right to be secure from all unreasonable searches and seizures of his person, his houses, his papers, and all his possessions. All warrants, therefore, are contrary to this right, if the cause or foundation of them be not previously supported by oath or affirmation, and if the order in the warrant to a civil officer, to make search in suspected places, or to arrest one or more suspected persons, or to seize their property, be not accompanied with a special designation of the persons or objects of search, arrest or seizure: and no warrant ought to be issued but in cases, and with the formalities, prescribed by the laws.

Right of search and seizure regulated.

XV. In all controversies concerning property, and in all suits between two or more persons, except in cases in which it has heretofore been otherways used and practised, the parties have a right to a trial by jury; and this method of procedure shall be held sacred, unless, in causes arising on the high seas, and such as relate to mariners' wages, the legislature shall hereafter find it necessary to alter it.

Right to trial by jury sacred, except, &c.

XVI. The liberty of the press is essential to the security of freedom in a State: it ought not, therefore, to be restrained in this Commonwealth.

Liberty of the press.

XVII. The people have a right to keep and to bear arms for the common defence. And as, in time of peace, armies are dangerous to liberty, they ought not to be maintained without the consent of the legislature; and the military power shall always be held in an exact subordination to the civil authority, and be governed by it.

Right to keep and bear arms. Standing armies dangerous.

Military power subordinate to civil.

XVIII. A frequent recurrence to the fundamental principles of the constitution, and a constant adherence to those of piety, justice, moderation, temperance, industry and frugality, are absolutely necessary to preserve the advantages of liberty, and to maintain a free government. The people ought, consequently, to have a particular attention to all those principles, in the choice of their officers and representatives: and they have a right to require of their lawgivers and magistrates, an exact and constant observance of them, in the formation and execution of the

Moral qualifications for office.

Moral obligations of lawgivers and magistrates.

laws necessary for the good administration of the Commonwealth.

Right of people to instruct representatives and petition legislature.

XIX. The people have a right, in an orderly and peaceable manner, to assemble to consult upon the common good; give instructions to their representatives, and to request of the legislative body, by the way of addresses, petitions or remonstrances, redress of the wrongs done them, and of the grievances they suffer.

Power to suspend the laws or their execution.

XX. The power of suspending the laws, or the execution of the laws, ought never to be exercised but by the legislature, or by authority derived from it, to be exercised in such particular cases only as the legislature shall expressly provide for.

Freedom of debate, &c., and reason thereof.

XXI. The freedom of deliberation, speech and debate, in either house of the legislature, is so essential to the rights of the people, that it cannot be the foundation of any accusation or prosecution, action or complaint, in any other court or place whatsoever.

Frequent sessions, and objects thereof.

XXII. The legislature ought frequently to assemble for the redress of grievances, for correcting, strengthening and confirming the laws, and for making new laws, as the common good may require.

Taxation founded on consent.

XXIII. No subsidy, charge, tax, impost or duties ought to be established, fixed, laid or levied, under any pretext whatsoever, without the consent of the people, or their representatives in the legislature.

Ex post facto laws prohibited.

XXIV. Laws made to punish for actions done before the existence of such laws, and which have not been declared crimes by preceding laws, are unjust, oppressive and inconsistent with the fundamental principles of a free government.

Legislature not to convict of treason, &c.

XXV. No subject ought, in any case, or in any time, to be declared guilty of treason or felony by the legislature.

Excessive bail or fines, and cruel punishments, prohibited.

XXVI. No magistrate or court of law shall demand excessive bail or sureties, impose excessive fines, or inflict cruel or unusual punishments.

No soldier to be quartered in any house, unless, &c.

XXVII. In time of peace, no soldier ought to be quartered in any house without the consent of the owner; and in time of war, such quarters ought not to be made but by the civil magistrate, in a manner ordained by the legislature.

Citizens exempt from law-martial, unless, &c.

XXVIII. No person can in any case be subjected to law-martial, or to any penalties or pains, by virtue of that law, except those employed in the army or navy, and except the militia in actual service, but by authority of the legislature.

XXIX. It is essential to the preservation of the rights of every individual, his life, liberty, property and character, that there be an impartial interpretation of the laws, and administration of justice. It is the right of every citizen to be tried by judges as free, impartial and independent as the lot of humanity will admit. It is, therefore, not only the best policy, but for the security of the rights of the people, and of every citizen, that the judges of the supreme judicial court should hold their offices as long as they behave themselves well, and that they should have honorable salaries ascertained and established by standing laws.

Judges of supreme judicial court.

Tenure of their office.

Salaries.

XXX. In the government of this Commonwealth, the legislative department shall never exercise the executive and judicial powers, or either of them: the executive shall never exercise the legislative and judicial powers, or either of them: the judicial shall never exercise the legislative and executive powers, or either of them: to the end it may be a government of laws, and not of men.

Separation of executive, judicial and legislative departments.

PART THE SECOND.

The Frame of Government.

The people, inhabiting the territory formerly called the Province of Massachusetts Bay, do hereby solemnly and mutually agree with each other, to form themselves into a free, sovereign and independent body politic or State, by the name of THE COMMONWEALTH OF MASSACHUSETTS.

Title of body politic.

CHAPTER I.

THE LEGISLATIVE POWER.

SECTION I.

The General Court.

ART. I. The department of legislation shall be formed by two branches, a Senate and House of Representatives; each of which shall have a negative on the other.

Legislative department.

The legislative body [shall assemble every year on the last Wednesday in May, and at such other times as they shall judge necessary; and shall dissolve and be dissolved

See amendments, Art. X

on the day next preceding the said last Wednesday in May; and] shall be styled, THE GENERAL COURT OF MASSACHUSETTS.

Governor's veto.

Bill may be passed by two-thirds of each house, notwithstanding.

See amendments, Art. I.

General court may constitute judicatories, courts of record, &c.

Courts, &c., may administer oaths.

II. No bill or resolve of the senate or house of representatives shall become a law, and have force as such, until it shall have been laid before the governor for his revisal; and if he, upon such revision, approve thereof, he shall signify his approbation by signing the same. But if he have any objection to the passing of such bill or resolve, he shall return the same, together with his objections thereto, in writing, to the senate or house of representatives, in whichsoever the same shall have originated, who shall enter the objections sent down by the governor, at large, on their records, and proceed to reconsider the said bill or resolve; but if, after such reconsideration, two-thirds of the said senate or house of representatives shall, notwithstanding the said objections, agree to pass the same, it shall, together with the objections, be sent to the other branch of the legislature, where it shall also be reconsidered, and if approved by two-thirds of the members present, shall have the force of a law: but in all such cases, the votes of both houses shall be determined by yeas and nays; and the names of the persons voting for or against the said bill or resolve, shall be entered upon the public records of the Commonwealth.

And in order to prevent unnecessary delays, if any bill or resolve shall not be returned by the governor within five days after it shall have been presented, the same shall have the force of a law.

III. The general court shall forever have full power and authority to erect and constitute judicatories and courts of record, or other courts, to be held in the name of the Commonwealth, for the hearing, trying and determining of all manner of crimes, offences, pleas, processes, plaints, actions, matters, causes and things, whatsoever, arising or happening within the Commonwealth, or between or concerning persons inhabiting or residing, or brought within the same; whether the same be criminal or civil, or whether the said crimes be capital or not capital, and whether the said pleas be real, personal or mixed; and for the awarding and making out of execution thereupon: to which courts and judicatories are hereby given and granted full power and authority, from time to time, to administer oaths or affirmations, for the better discovery of truth in any matter in controversy, or depending before them.

IV. And further, full power and authority are hereby

given and granted to the said general court, from time to time, to make, ordain and establish all manner of wholesome and reasonable orders, laws, statutes and ordinances, directions and instructions, either with penalties or without, so as the same be not repugnant or contrary to this constitution, as they shall judge to be for the good and welfare of this Commonwealth, and for the government and ordering thereof, and of the subjects of the same, and for the necessary support and defence of the government thereof; and to name and settle annually, or provide by fixed laws, for the naming and settling, all civil officers within the said Commonwealth, the election and constitution of whom are not hereafter in this form of government otherwise provided for; and to set forth the several duties, powers and limits, of the several civil and military officers of this Commonwealth, and the forms of such oaths, or affirmations as shall be respectively administered unto them for the execution of their several offices and places so as the same be not repugnant or contrary to this constitution; and to impose and levy proportional and reasonable assessments, rates and taxes, upon all the inhabitants of, and persons resident, and estates lying, within the said Commonwealth; and also to impose and levy reasonable duties and excises upon any produce, goods, wares, merchandise and commodities whatsoever, brought into, produced, manufactured, or being within the same; to be issued and disposed of by warrant, under the hand of the governor of this Commonwealth, for the time being, with the advice and consent of the council, for the public service, in the necessary defence and support of the government of the said Commonwealth, and the protection and preservation of the subjects thereof, according to such acts as are or shall be in force within the same.

And while the public charges of government, or any part thereof, shall be assessed on polls and estates, in the manner that has hitherto been practised, in order that such assessments may be made with equality, there shall be a valuation of estates within the Commonwealth, taken anew once in every ten years at least, and as much oftener as the general court shall order.

General court
may enact laws,
&c.,

not repugnant
to the constitution;

may provide for
the election or
appointment of
officers;

prescribe their
duties;

impose taxes;

duties and
excises;

to be disposed
of for defence,
protection, &c.

Valuation of es-
tates once in ten
years, at least,
while, &c.

CHAPTER I.

SECTION II.

Senate.

Senate, number of, and by whom elected.

See amendments, Arts. XIII., XVI. and XXV.

Countries to be districts, until, &c.
See amendments, Arts. XIII. and XXII.

[Art. I. There shall be annually elected, by the freeholders and other inhabitants of this Commonwealth, qualified as in this constitution is provided, forty persons to be councillors and senators, for the year ensuing their election; to be chosen by the inhabitants of the districts, into which the Commonwealth may, from time to time, be divided by the general court for that purpose: and the general court, in assigning the numbers to be elected by the respective districts, shall govern themselves by the proportion of the public taxes paid by the said districts; and timely make known, to the inhabitants of the Commonwealth, the limits of each district, and the number of councillors and senators to be chosen therein: provided, that the number of such districts shall never be less than thirteen; and that no district be so large as to entitle the same to choose more than six senators.

And the several counties in this Commonwealth shall, until the general court shall determine it necessary to alter the said districts, be districts for the choice of councillors and senators, (except that the counties of Dukes county and Nantucket shall form one district for that purpose,) and shall elect the following number for councillors and senators, viz.:—

Suffolk, six; Essex, six; Middlesex, five; Hampshire, four; Plymouth, three; Barnstable, one; Bristol, three; York, two; Dukes county and Nantucket, one; Worcester, five; Cumberland, one; Lincoln, one; Berkshire, two.]

Manner and time of choosing senators and councillors.

See amendments, Arts. II., X., XIV. and XV.

See amendments, Arts. III., XX., XXIII. and XXIV.

Word "inhabitant" defined.

II. The Senate shall be the first branch of the legislature; [and the senators shall be chosen in the following manner, viz.: there shall be a meeting on the first Monday in April, annually, forever, of the inhabitants of each town in the several counties of this Commonwealth, to be called by the selectmen, and warned in due course of law, at least seven days before the first Monday in April, for the purpose of electing persons to be senators and councillors; and at such meetings every male inhabitant of twenty-one years of age and upwards, having a freehold estate, within the Commonwealth, of the annual income of three pounds, or any estate of the value of sixty pounds, shall have a right to give in his vote for the senators for the district of which he is an inhabitant.] And to remove all doubts concerning the meaning of the word "inhabitant," in this constitution, every person shall be considered as an inhabitant, for the purpose of electing and being elected into any office or place within this State, in that town, district or plantation where he dwelleth or hath his home.

The selectmen of the several towns shall preside at such

meetings impartially, and shall receive the votes of all the inhabitants of such towns, present and qualified to vote for senators, and shall sort and count them in open town meeting, and in presence of the town clerk, who shall make a fair record, in presence of the selectmen, and in open town meeting, of the name of every person voted for, and of the number of votes against his name; and a fair copy of this record shall be attested by the selectmen and the town clerk, and shall be sealed up, directed to the secretary of the Commonwealth, for the time being, with a superscription expressing the purport of the contents thereof, and delivered by the town clerk of such towns, to the sheriff of the county in which such town lies, thirty days at least before [the last Wednesday in May, annually, or it shall be delivered into the secretary's office seventeen days at least before the said last Wednesday in May; and the sheriff of each county shall deliver all such certificates, by him received, into the secretary's office, seventeen days before the said last Wednesday in May.]

And the inhabitants of plantations unincorporated, qualified as this constitution provides, who are or shall be empowered and required to assess taxes upon themselves toward the support of government, shall have the same privilege of voting for councillors and senators, in the plantations where they reside, as town inhabitants have in their respective towns; and the plantation meetings for that purpose shall be held, annually, [on the same first Monday in April.] at such place in the plantations, respectively, as the assessors thereof shall direct; which assessors shall have like authority for notifying the electors, collecting and returning the votes, as the selectmen and town clerks have in their several towns, by this constitution. And all other persons living in places unincorporated, (qualified as aforesaid.) who shall be assessed to the support of government, by the assessors of an adjacent town, shall have the privilege of giving in their votes for councillors and senators, in the town where they shall be assessed, and be notified of the place of meeting, by the selectmen of the town where they shall be assessed, for that purpose, accordingly.

III. And that there may be a due convention of senators [on the last Wednesday in May,] annually, the governor, with five of the council, for the time being, shall, as soon as may be, examine the returned copies of such records; and fourteen days before the said day, he shall issue his summons to such persons as shall appear to

Selectmen to
preside at town
meetings.

Return of votes

See amend-
ments, Art. II.

Amendments,
Art. X.

Inhabitants of
unincorporated
plantations, who
pay State taxes,
may vote.

Plantation meet-
ings.
See amend-
ments, Art. X.

Assessors to
notify, &c.

Governor and
council to ex-
amine and count
votes, and issue
summonses.

See amend-
ments, Art. X.

be chosen by a majority of voters, to attend on that day, and take their seats accordingly; [provided, nevertheless, that for the first year, the said returned copies shall be examined by the president and five of the council of the former constitution of government; and the said president shall, in like manner, issue his summons to the persons so elected, that they may take their seats as aforesaid.]

Senate to be final judge of elections, &c., of its own members.

See amendments, Arts. X., XIV. and XXIV.

Vacancies, how filled.

IV. The senate shall be the final judge of the elections, returns and qualifications of their own members, as pointed out in the constitution; and shall, on the said [last Wednesday in May,] annually, determine and declare who are elected by each district to be senators, [by a majority of votes: and in case there shall not appear to be the full number of senators returned, elected by a majority of votes, for any district, the deficiency shall be supplied in the following manner, viz.: The members of the house of representatives, and such senators as shall be declared elected, shall take the names of such persons as shall be found to have the highest number of votes in such district, and not elected, amounting to twice the number of senators wanting, if there be so many voted for; and out of these, shall elect by ballot a number of senators sufficient to fill up the vacancies in such district; and in this manner all such vacancies shall be filled up in every district of the Commonwealth; and in like manner all vacancies in the senate, arising by death, removal out of the State or otherwise, shall be supplied as soon as may be after such vacancies shall happen.]

Qualifications of a senator. See amendments, Arts. XIII. and XXII.

V. Provided, nevertheless, that no person shall be capable of being elected as a senator, [who is not seised in his own right of a freehold, within this Commonwealth, of the value of three hundred pounds at least, or possessed of personal estate to the value of six hundred pounds at least, or of both to the amount of the same sum, and] who has not been an inhabitant of this Commonwealth for the space of five years immediately preceding his election, and, at the time of his election, he shall be an inhabitant in the district for which he shall be chosen.

Senate not to adjourn more than two days.

VI. The senate shall have power to adjourn themselves; provided such adjournments do not exceed two days at a time.

Shall choose its officers and establish its rules.

VII. The senate shall choose its own president, appoint its own officers, and determine its own rules of proceedings.

Shall try all impeachments.

VIII. The senate shall be a court with full authority to hear and determine all impeachments made by the

house of representatives, against any officer or officers of the Commonwealth, for misconduct and mal-administration in their offices: but, previous to the trial of every impeachment, the members of the senate shall, respectively be sworn, truly and impartially to try and determine the charge in question, according to evidence. Their judgment, however, shall not extend further than to removal from office, and disqualification to hold or enjoy any place of honor, trust or profit, under this Commonwealth: but the party so convicted shall be, nevertheless, liable to indictment, trial, judgment and punishment, according to the laws of the land.

Oath.

Limitation of sentence.

IX. Not less than sixteen members of the senate shall constitute a quorum for doing business.

Quorum.

CHAPTER I.

SECTION III.

House of Representatives.

ART. I. There shall be, in the legislature of this Commonwealth, a representation of the people, annually elected, and founded upon the principle of equality.

Representation of the people.

[II. And in order to provide for a representation of the citizens of this Commonwealth, founded upon the principle of equality, every corporate town, containing one hundred and fifty ratable polls, may elect one representative; every corporate town containing three hundred and seventy-five ratable polls, may elect two representatives; every corporate town, containing six hundred ratable polls, may elect three representatives; and proceeding in that manner, making two hundred and twenty-five ratable polls the mean increasing number for every additional representative.

Representatives, by whom chosen.

See amendments, Arts. XII., XIII. and XXI.

Provided, nevertheless, that each town now incorporated, not having one hundred and fifty ratable polls, may elect one representative; but no place shall hereafter be incorporated with the privilege of electing a representative, unless there are within the same one hundred and fifty ratable polls.]

Proviso as to towns having less than 150 ratable polls.

And the house of representatives shall have power, from time to time, to impose fines upon such towns as shall neglect to choose and return members to the same, agreeably to this constitution.

Towns liable to fine in case, &c.

The expenses of travelling to the general assembly, and returning home, once in every session, and no more, shall be paid by the government, out of the public treasury, to every member who shall attend as seasonably as he can, in

Expense of travelling to and from the general court, how paid

the judgment of the house, and does not depart without leave.

Qualifications of a representative. See amendments, Arts. XIII., XIV. and XXI.

III. Every member of the house of representatives shall be chosen by written votes; [and, for one year at least next preceding his election, shall have been an inhabitant of, and have been seised in his own right of a freehold of the value of one hundred pounds, within the town he shall be chosen to represent, or any ratable estate to the value of two hundred pounds; and he shall cease to represent the said town, immediately on his ceasing to be qualified as aforesaid.]

Qualifications of a voter.

IV. Every male person being twenty-one years of age, and resident in any particular town in this Commonwealth, for the space of one year next preceding, having a freehold estate within the same town, of the annual income of three pounds, or any estate of the value of sixty pounds, shall have a right to vote in the choice of a representative or representatives for the said town.]

See amendments, Arts. III., XX. and XXIII. Representatives, when chosen. See amendments, Arts. X. and XV.

V. The members of the house of representatives shall be chosen annually in the month of May, ten days at least before the last Wednesday of that month.]

House alone can impeach.

VI. The house of representatives shall be the grand inquest of this Commonwealth; and all impeachments made by them shall be heard and tried by the senate.

House to originate all money bills.

VII. All money bills shall originate in the house of representatives; but the senate may propose or concur with amendments, as on other bills.

Not to adjourn more than two days at a time.

VIII. The house of representatives shall have power to adjourn themselves, provided such adjournment shall not exceed two days at a time.

Quorum. See amendments, Art. XXI.

[IX. Not less than sixty members of the house of representatives shall constitute a quorum for doing business.]

House to judge of returns, &c., of its own members; to choose its officers and establish its rules, &c. May punish for certain offences.

X. The house of representatives shall be the judge of the returns, elections and qualifications of its own members, as pointed out in the constitution; shall choose their own speaker, appoint their own officers, and settle the rules and orders of proceeding in their own house. They shall have authority to punish by imprisonment, every person, not a member, who shall be guilty of disrespect to the house, by any disorderly or contemptuous behavior in its presence; or who, in the town where the general court is sitting, and during the time of its sitting, shall threaten harm to the body or estate of any of its members, for anything said or done in the house; or who shall assault any of them therefor; or who shall assault or arrest any witness, or other person, ordered to attend the house, in his way in going or returning; or who shall rescue any person arrested by the order of the house.

And no member of the house of representatives shall be arrested, or held to bail on mean process, during his going unto, return from, or his attending, the general assembly.

XI. The senate shall have the same powers in the like cases; and the governor and council shall have the same authority to punish in like cases: provided, that no imprisonment, on the warrant or order of the governor, council, senate or house of representatives, for either of the above described offences, be for a term exceeding thirty days.

And the senate and house of representatives may try and determine all cases where their rights and privileges are concerned, and which, by the constitution, they have authority to try and determine, by committees of their own members, or in such other way as they may, respectively, think best.

Privileges of members.

Senate.

Governor and council may punish.

General limitation.

Trial may be by committee, or otherwise.

CHAPTER II.

EXECUTIVE POWER.

SECTION I.

Governor.

ART. I. There shall be a supreme executive magistrate, who shall be styled — THE GOVERNOR OF THE COMMONWEALTH OF MASSACHUSETTS; and whose title shall be — HIS EXCELLENCY.

Governor.

His title.

II. The governor shall be chosen annually; and no person shall be eligible to this office, unless, at the time of his election, he shall have been an inhabitant of this Commonwealth for seven years next preceding; and unless he shall, at the same time, be seised, in his own right, of a freehold, within the Commonwealth, of the value of one thousand pounds; [and unless he shall declare himself to be of the Christian religion.]

To be chosen annually.

Qualifications.

See amendments, Art. VII

[III. Those persons who shall be qualified to vote for senators and representatives, within the several towns of this Commonwealth, shall, at a meeting to be called for that purpose, on the first Monday of April, annually, give in their votes for a governor, to the selectmen, who shall preside at such meetings; and the town clerk, in the presence and with the assistance of the selectmen, shall, in open town meeting, sort and count the votes, and form a list of the persons voted for, with the number of votes for each person against his name; and shall make a fair record of the same in the town books, and a public declaration

By whom chosen, if he have a majority of votes.

See amendments, Arts. II., X., XIV. and XV.

thereof in the said meeting; and shall, in the presence of the inhabitants, seal up copies of the said list, attested by him and the selectmen, and transmit the same to the sheriff of the county, thirty days at least before the last Wednesday in May; and the sheriff shall transmit the same to the secretary's office, seventeen days at least before the said last Wednesday in May; or the selectmen may cause returns of the same to be made, to the office of the secretary of the Commonwealth, seventeen days at least before the said day; and the secretary shall lay the same before the senate and the house of representatives, on the last Wednesday in May, to be by them examined; and in case of an election by a majority of all the votes returned, the choice shall be by them declared and published; but if no person shall have a majority of votes, the house of representatives shall, by ballot, elect two out of four persons, who had the highest number of votes, if so many shall have been voted for; but if otherwise, out of the number voted for; and make return to the senate of the two persons so elected; on which, the senate shall proceed, by ballot, to elect one who shall be declared governor.]

Not chosen,
when no person
has a majority.

Power of gov-
ernor, and of
governor and
council.

IV. The governor shall have authority, from time to time, at his discretion, to assemble and call together the councillors of this Commonwealth for the time being; and the governor, with the said councillors, or five of them, at least, shall, and may, from time to time, hold and keep a council, for the ordering and directing the affairs of the Commonwealth, agreeably to the constitution and the laws of the land.

May adjourn or
prorogue the
general court
upon request,
and convene the
same.
See amend-
ments, Art. X.

V. The governor, with advice of council, shall have full power and authority, during the session of the general court, to adjourn or prorogue the same to any time the two houses shall desire; [and to dissolve the same on the day next preceding the last Wednesday in May; and, in the recess of the said court, to prorogue the same from time to time, not exceeding ninety days in any one recess;] and to call it together sooner than the time to which it may be adjourned or prorogued, if the welfare of the Commonwealth shall require the same; and in case of any infectious distemper prevailing in the place where the said court is next at any time to convene, or any other cause happening, whereby danger may arise to the health or lives of the members from their attendance, he may direct the session to be held at some other the most convenient place within the State.

See amend-
ments, Art. X.

[And the governor shall dissolve the said general court on the day next preceding the last Wednesday in May.]

Governor and
council may ad-
journ the gen-
eral court in
cases, &c., but

VI. In cases of disagreement between the two houses, with regard to the necessity, expediency or time of adjournment or prorogation, the governor, with advice of the council, shall have a right to adjourn or prorogue the gen-

eral court, not exceeding ninety days, as he shall determine the public good shall require.

not exceeding
ninety days.

VII. The governor of this Commonwealth, for the time being, shall be the commander-in-chief of the army and navy, and of all the military forces of the State, by sea and land; and shall have full power, by himself, or by any commander, or other officer or officers, from time to time, to train, instruct, exercise and govern the militia and navy; and, for the special defence and safety of the Commonwealth, to assemble in martial array, and put in warlike posture the inhabitants thereof, and to lead and conduct them, and with them, to encounter, repel, resist, expel and pursue, by force of arms, as well by sea as by land, within or without the limits of this Commonwealth, and also to kill, slay and destroy, if necessary, and conquer, by all fitting ways, enterprises and means whatsoever, all and every such person and persons as shall, at any time hereafter, in a hostile manner, attempt or enterprise the destruction, invasion, detriment or annoyance of this Commonwealth; and to use and exercise, over the army and navy, and over the militia in actual service, the law-martial, in time of war or invasion, and also in time of rebellion, declared by the legislature to exist, as occasion shall necessarily require; and to take and surprise, by all ways and means whatsoever, all and every such person or persons, with their ships, arms, ammunition and other goods, as shall, in a hostile manner, invade or attempt the invading, conquering or annoying this Commonwealth; and that the governor be intrusted with all these and other powers incident to the offices of captain-general and commander-in-chief, and admiral, to be exercised agreeably to the rules and regulations of the constitution, and the laws of the land, and not otherwise.

Governor to be
commander-in-
chief.

Provided, that the said governor shall not, at any time hereafter, by virtue of any power by this constitution granted, or hereafter to be granted to him by the legislature, transport any of the inhabitants of this Commonwealth, or oblige them to march out of the limits of the same, without their free and voluntary consent, or the consent of the general court; except so far as may be necessary to march or transport them by land or water, for the defence of such part of the State to which they cannot otherwise conveniently have access.

Limitation.

VIII. The power of pardoning offences, except such as persons may be convicted of before the senate, by an impeachment of the house, shall be in the governor, by and

Governor and
council may pardon
offences,
except, &c

with the advice of council; but no charter of pardon, granted by the governor, with advice of the council, before conviction, shall avail the party pleading the same, notwithstanding any general or particular expressions contained therein, descriptive of the offence or offences intended to be pardoned.

But not before conviction.

All judicial officers, &c., how nominated and appointed. See amendments, Arts. XIV., XVII. and XIX.

IX. All judicial officers, [the attorney-general, the solicitor-general, all sheriffs,] coroners [and registers of probate,] shall be nominated and appointed by the governor, by and with the advice and consent of the council; and every such nomination shall be made by the governor, and made at least seven days prior to such appointment.

Militia officers, how elected.

See amendments, Art. V.

X. The captains and subalterns of the militia shall be elected by the written votes of the train-band and alarm list of their respective companies, [of twenty-one years of age and upwards;] the field officers of regiments shall be elected by the written votes of the captains and subalterns of their respective regiments; the brigadiers shall be elected, in like manner, by the field officers of their respective brigades; and such officers, so elected, shall be commissioned by the governor, who shall determine their rank.

How commissioned.

Election of officers.

The legislature shall, by standing laws, direct the time and manner of convening the electors, and of collecting votes, and of certifying to the governor the officers elected.

Major-generals, how appointed and commissioned.

The major-generals shall be appointed by the senate and house of representatives, each having a negative upon the other; and be commissioned by the governor.

Vacancies, how filled, in case, &c.

And if the electors of brigadiers, field officers, captains or subalterns shall neglect or refuse to make such elections, after being duly notified, according to the laws for the time being, then the governor, with advice of council, shall appoint suitable persons to fill such offices.

Officers duly commissioned, how removed. See amendments, Art. IV.

[And no officer, duly commissioned to command in the militia, shall be removed from his office, but by the address of both houses to the governor, or by fair trial in court-martial, pursuant to the laws of the Commonwealth for the time being.]

Adjutants, &c., how appointed.

The commanding officers of regiments shall appoint their adjutants and quartermasters; the brigadiers their brigade-majors; and the major-generals their aids; and the governor shall appoint the adjutant-general.

Adjutant-general. Army officers, how appointed.

The governor with advice of council, shall appoint all officers of the continental army, whom by the confederation of the United States it is provided that this Commonwealth shall appoint, — as also all officers of forts and garrisons.

Organization of militia.

The divisions of the militia into brigades, regiments and companies, made in pursuance of the militia laws now in

force, shall be considered as the proper divisions of the militia of this Commonwealth, until the same shall be altered in pursuance of some future law.

XI. No moneys shall be issued out of the treasury of this Commonwealth and disposed of (except such sums as may be appropriated for the redemption of bills of credit or treasurer's notes, or for the payment of interest arising thereon,) but by warrant under the hand of the governor for the time being, with the advice and consent of the council, for the necessary defence and support of the Commonwealth, and for the protection and preservation of the inhabitants thereof, agreeably to the acts and resolves of the general court.

Money, how drawn from the treasury, except, &c.

XII. All public boards, the commissary-general, all superintending officers of public magazines and stores, belonging to this Commonwealth, and all commanding officers of forts and garrisons within the same, shall, once in every three months, officially and without requisition, and at other times, when required by the governor, deliver to him an account of all goods, stores, provisions, ammunition, cannon with their appendages, and small arms with their accoutrements, and of all other public property whatever under their care, respectively; distinguishing the quantity, number, quality and kind of each, as particularly as may be; together with the condition of such forts and garrisons; and the said commanding officer shall exhibit to the governor, when required by him, true and exact plans of such forts, and of the land and sea, or harbor or harbors, adjacent.

Public boards and certain officers to make quarterly returns.

And the said boards, and all public officers, shall communicate to the governor, as soon as may be after receiving the same, all letters, dispatches and intelligences of a public nature, which shall be directed to them respectively.

XIII. As the public good requires that the governor should not be under the undue influence of any of the members of the general court, by a dependence on them for his support — that he should, in all cases, act with freedom for the benefit of the public — that he should not have his attention necessarily diverted from that object to his private concerns — and that he should maintain the dignity of the Commonwealth in the character of its chief magistrate — it is necessary that he should have an honorable stated salary, of a fixed and permanent value, amply sufficient for those purposes, and established by standing laws: and it shall be among the first acts of the general court, after the commencement of this constitution, to establish such salary by law accordingly.

Salary of governor.

Salaries of justices of supreme judicial court.

Salaries to be enlarged, if insufficient.

Permanent and honorable salaries shall also be established by law for the justices of the supreme judicial court.

And if it shall be found that any of the salaries aforesaid, so established, are insufficient, they shall, from time to time, be enlarged, as the general court shall judge proper.

CHAPTER II.

SECTION II.

Lieutenant-Governor.

Lieutenant-governor; his title and qualifications.

See amendments, Arts. III., VI., X. and XV.

How chosen.

President of council.

Lieutenant-governor a member of, except, &c.

Lieutenant-governor to be acting governor, in case, &c.

ART. I. There shall be annually elected a lieutenant-governor of the Commonwealth of Massachusetts, whose title shall be — HIS HONOR; and who shall be qualified, in point of religion, property, and residence in the Commonwealth, in the same manner with the governor; and the day and manner of his election, and the qualifications of the electors, shall be the same as are required in the election of a governor. The return of the votes for this officer, and the declaration of his election, shall be in the same manner; [and if no one person shall be found to have a majority of all the votes returned, the vacancy shall be filled by the senate and house of representatives, in the same manner as the governor is to be elected, in case no one person shall have a majority of the votes of the people to be governor.]

II. The governor, and in his absence the lieutenant-governor, shall be president of the council, but shall have no vote in council; and the lieutenant-governor shall always be a member of the council, except when the chair of the governor shall be vacant.

III. Whenever the chair of the governor shall be vacant, by reason of his death, or absence from the Commonwealth, or otherwise, the lieutenant-governor, for the time being, shall, during such vacancy, perform all the duties incumbent upon the governor, and shall have and exercise all the powers and authorities, which, by this constitution, the governor is vested with, when personally present.

CHAPTER II.

SECTION III.

Council, and the Manner of settling Elections by the Legislature.

ART. I. There shall be a council, for advising the governor in the executive part of the government, to consist of [nine] persons besides the lieutenant-governor, whom the governor, for the time being, shall have full power and authority, from time to time, at his discretion, to assemble and call together; and the governor, with the said councillors, or five of them at least, shall and may, from time to time, hold and keep a council, for the ordering and directing the affairs of the Commonwealth, according to the laws of the land.

Council.
See amendments, Art. XVI.

[II. Nine councillors shall be annually chosen from among the persons returned for councillors and senators, on the last Wednesday in May, by the joint ballot of the senators and representatives assembled in one room; and in case there shall not be found, upon the first choice, the whole number of nine persons who will accept a seat in the council, the deficiency shall be made up by the electors aforesaid from among the people at large; and the number of senators left, shall constitute the senate for the year. The seats of the persons thus elected from the senate, and accepting the trust, shall be vacated in the senate.]

Number; from whom, and how chosen.

See amendments, Arts. X., XIII. and XVI.

Senators becoming councillors, seats vacated.

III. The councillors, in the civil arrangements of the Commonwealth, shall have rank next after the lieutenant-governor.

Rank of councillors.

[IV. Not more than two councillors shall be chosen out of any one district of this Commonwealth.]

No district to have more than two.

V. The resolutions and advice of the council shall be recorded in a register and signed by the members present; and this record may be called for, at any time, by either house of the legislature; and any member of the council may insert his opinion, contrary to the resolution of the majority.

Register of council.

VI. Whenever the office of the governor and lieutenant-governor shall be vacant by reason of death, absence, or otherwise, then the council, or the major part of them, shall, during such vacaney, have full power and authority, to do and execute, all and every such acts, matters and things, as the governor or the lieutenant-governor might, or could, by virtue of this constitution, do or execute, if they, or either of them, were personally present.

Council to exercise the power of governor, in case, &c.

Elections may be adjourned until, &c.

Order thereof.

Amendments, Arts. XVI. and XXV.

[VII. And whereas the elections appointed to be made by this constitution on the last Wednesday in May annually, by the two houses of the legislature, may not be completed on that day, the said elections may be adjourned from day to day, until the same shall be completed. And the order of elections shall be as follows: the vacancies in the senate, if any, shall first be filled up; the governor and lieutenant-governor shall then be elected, provided there should be no choice of them by the people; and afterwards the two houses shall proceed to the election of the council.]

CHAPTER II.

SECTION IV.

Secretary, Treasurer, Commissary, &c.

Secretary, &c.; by whom and how chosen. See amendments, Arts. IV. and XVII.

Treasurer ineligible for more than five successive years.

ART. I. [The secretary, treasurer and receiver-general, and the commissary-general, notaries public and naval officers, shall be chosen annually, by joint ballot of the senators and representatives, in one room.] And, that the citizens of this Commonwealth may be assured, from time to time, that the moneys remaining in the public treasury, upon the settlement and liquidation of the public accounts, are their property, no man shall be eligible as treasurer and receiver-general more than five years successively.

Secretary to keep records; to attend the governor and council, &c.

II. The records of the Commonwealth shall be kept in the office of the secretary, who may appoint his deputies, for whose conduct he shall be accountable; and he shall attend the governor and council, the senate and house of representatives in person, or by his deputies, as they shall respectively require.

CHAPTER III.

JUDICIARY POWER.

Tenure of all commission officers to be expressed.

Judicial officers to hold office during good behavior, except, &c.

May be removed on address.

ART. I. The tenure that all commission officers shall by law have in their offices shall be expressed in their respective commissions. All judicial officers, duly appointed, commissioned and sworn, shall hold their offices during good behavior, excepting such concerning whom there is different provision made in this constitution: provided, nevertheless, the governor, with consent of the council, may remove them upon the address of both houses of the legislature.

II. Each branch of the legislature, as well as the governor and council, shall have authority to require the opinions of the justices of the supreme judicial court, upon important questions of law, and upon solemn occasions.

Justices of supreme judicial court to give opinions when required.

III. In order that the people may not suffer from the long continuance in place of any justice of the peace, who shall fail of discharging the important duties of his office with ability or fidelity, all commissions of justices of the peace shall expire and become void in the term of seven years from their respective dates; and, upon the expiration of any commission, the same may, if necessary, be renewed, or another person appointed, as shall most conduce to the well being of the Commonwealth.

Justices of the peace; tenure of their office.

IV. The judges of probate of wills, and for granting letters of administration, shall hold their courts at such place or places, on fixed days, as the convenience of the people shall require; and the legislature shall, from time to time, hereafter, appoint such times and places; until which appointments, the said courts shall be holden at the times and places which the respective judges shall direct.

Provisions for holding probate courts.

[V. All causes of marriage, divorce and alimony, and all appeals from the judges of probate, shall be heard and determined by the governor and council until the legislature shall, by law, make other provision.]

Causes of marriage and divorce, how determined.

CHAPTER IV.

DELEGATES TO CONGRESS.

[The delegates of this Commonwealth to the congress of the United States shall, some time in the month of June, annually, be elected by the joint ballot of the senate and house of representatives assembled together in one room; to serve in congress for one year, to commence on the first Monday in November then next ensuing. They shall have commissions under the hand of the governor, and the great seal of the Commonwealth; but may be recalled at any time within the year, and others chosen and commissioned, in the same manner, in their stead.]

Delegates to congress.

CHAPTER V.

THE UNIVERSITY AT CAMBRIDGE, AND ENCOURAGEMENT OF LITERATURE, &c.

SECTION 1.

The University.

ART. I. Whereas our wise and pious ancestors, so early as the year one thousand six hundred and thirty-six, laid

Harvard College.

Powers, privileges, &c., of the president and fellows, confirmed.

the foundation of Harvard College, in which university many persons of great eminence have, by the blessing of God, been initiated in those arts and sciences which qualified them for public employments, both in church and state; and whereas the encouragement of arts and sciences, and all good literature, tends to the honor of God, the advantage of the Christian religion, and the great benefit of this and the other United States of America, — it is declared, that the PRESIDENT AND FELLOWS OF HARVARD COLLEGE, in their corporate capacity, and their successors in that capacity, their officers and servants, shall have, hold, use, exercise and enjoy, all the powers, authorities, rights, liberties, privileges, immunities and franchises, which they now have, or are entitled to have, hold, use, exercise and enjoy; and the same are hereby ratified and confirmed unto them, the said president and fellows of Harvard College, and to their successors, and to their officers and servants, respectively, forever.

Property devised.

II. And whereas there have been, at sundry times, by divers persons, gifts, grants, devises of houses, lands, tenements, goods, chattels, legacies and conveyances, heretofore made, either to Harvard College in Cambridge, in New England, or to the president and fellows of Harvard College, or to the said college, by some other description, under several charters successively; it is declared, that all the said gifts, grants, devises, legacies and conveyances, are hereby forever confirmed unto the president and fellows of Harvard College, and to their successors, in the capacity aforesaid, according to the true intent and meaning of the donor or donors, grantor or grantors, deviser or devisors.

Gifts, grants, and conveyances confirmed.

Board of Overseers established by general court of 1642.

III. And whereas by an act of the general court of the colony of Massachusetts Bay, passed in the year one thousand six hundred and forty-two, the governor and deputy-governor, for the time being, and all the magistrates of that jurisdiction, were, with the president, and a number of the clergy in the said act described, constituted the overseers of Harvard College; and it being necessary, in this new constitution of government, to ascertain who shall be deemed successors to the said governor, deputy-governor, and magistrates; it is declared, that the governor, lieutenant-governor, council and senate of this Commonwealth, are, and shall be deemed, their successors; who, with the president of Harvard College, for the time being, together with the ministers of the congregational churches in the towns of Cambridge, Watertown, Charlestown, Boston, Roxbury and Dorchester, mentioned in the said act, shall

Overseers established by constitution.

be, and hereby are, vested with all the powers and authority belonging, or in any way appertaining, to the overseers of Harvard College: provided, that nothing herein shall be construed to prevent the legislature of this Commonwealth from making such alterations in the government of the said university, as shall be conducive to its advantage, and the interest of the republic of letters, in as full a manner as might have been done by the legislature of the late Province of the Massachusetts Bay.

Power of alteration reserved to the legislature.

CHAPTER V.

SECTION II.

The Encouragement of Literature, &c.

Wisdom and knowledge, as well as virtue, diffused generally among the body of the people, being necessary for the preservation of their rights and liberties; and as these depend on spreading the opportunities and advantages of education in the various parts of the country, and among the different orders of the people, it shall be the duty of legislatures and magistrates, in all future periods of this Commonwealth, to cherish the interests of literature and the sciences, and all seminaries of them; especially the university at Cambridge, public schools, and grammar schools in the towns; to encourage private societies and public institutions, rewards and immunities, for the promotion of agriculture, art, sciences, commerce, trades, manufactures, and a natural history of the country; to countenance and inculcate the principles of humanity and general benevolence, public and private charity, industry and frugality, honesty and punctuality in their dealings; sincerity, good humor, and all social affections, and generous sentiments, among the people.

Duty of legislatures and magistrates in all future periods. See amendments, Art. XVIII.

CHAPTER VI.

OATHS AND SUBSCRIPTIONS; INCOMPATIBILITY OF AND EXCLUSION FROM OFFICES; PECUNIARY QUALIFICATIONS; COMMISSIONS; WRITS; CONFIRMATION OF LAWS; HABEAS CORPUS; THE ENACTING STYLE; CONTINUANCE OF OFFICERS; PROVISION FOR A FUTURE REVIVAL OF THE CONSTITUTION, &c.

ART. I. [Any person chosen governor, lieutenant-governor, councillor, senator or representative, and accepting the trust, shall, before

Declaration of executive and

legislative officers.

See amendments, Art. VII.

he proceed to execute the duties of his place or office, make and subscribe the following declaration, viz.:

"I, A. B., do declare, that I believe the Christian religion, and have a firm persuasion of its truth; and that I am seised and possessed, in my own right, of the property required by the constitution, as one qualification for the office or place to which I am elected."

And the governor, lieutenant-governor and councillors, shall make and subscribe the said declaration, in the presence of the two houses of assembly; and the senators and representatives, first elected under this constitution, before the president and five of the council of the former constitution; and forever afterwards, before the governor and council for the time being.]

Declaration and oaths of all officers.

And every person chosen to either of the places or offices aforesaid, as also any person appointed or commissioned to any judicial, executive, military or other office under the government, shall, before he enters on the discharge of the business of his place or office, take and subscribe the following declaration, and oaths or affirmations, viz.:

See amendments, Art. VI.

["I, A. B., do truly and sincerely acknowledge, profess, testify and declare, that the Commonwealth of Massachusetts is, and of right ought to be, a free, sovereign and independent State; and I do swear, that I will bear true faith and allegiance to the said Commonwealth, and that I will defend the same against traitorous conspiracies and all hostile attempts whatsoever; and that I do renounce and abjure all allegiance, subjection and obedience to the king, queen or government of Great Britain, (as the case may be,) and every other foreign power whatsoever; and that no foreign prince, person, prelate, state or potentate, hath, or ought to have, any jurisdiction, superiority, pre-eminence, authority, dispensing or other power in, in any matter, civil, ecclesiastical or spiritual, within this Commonwealth; except the authority and power which is or may be vested by their constituents in the congress of the United States: and I do further testify and declare, that no man, or body of men, hath, or can have, any right to absolve or discharge me from the obligation of this oath, declaration or affirmation; and that I do make this acknowledgment, profession, testimony, declaration, denial, renunciation and abjuration, heartily and truly, according to the common meaning and acceptance of the foregoing words, without any equivocation, mental evasion or secret reservation whatsoever. So help me, God."]

"I, A. B., do solemnly swear and affirm, that I will faithfully and impartially discharge and perform all the duties incumbent on me as _____, according to the best of my abilities and understanding, agreeably to the rules and regulations of the constitution, and the laws of the Commonwealth. So help me, God."

See amendments, Art. VI.

[Provided, always, that when any person, chosen or appointed as aforesaid, shall be of the denomination of the people called Quakers, and shall decline taking the said oaths, he shall make his affirmation in the foregoing form, and subscribe the same, omitting the words, "I do swear," "and abjure," "oath or," "and abjuration," in the first oath: and in the second oath, the words "swear and," and in

each of them the words, "So help me, God;" subjoining instead thereof, "This I do under the pains and penalties of perjury."]

And the said oaths or affirmations shall be taken and subscribed by the governor, lieutenant-governor and councillors, before the president of the senate, in the presence of the two houses of assembly; and by the senators and representatives first elected under this constitution, before the president and five of the council of the former constitution; and forever afterwards before the governor and council for the time being; and by the residue of the officers aforesaid, before such persons, and in such manner, as from time to time shall be prescribed by the legislature.

Oaths and affirmations, how administered.

II. No governor, lieutenant-governor, or judge of the supreme judicial court, shall hold any other office or place, under the authority of this Commonwealth, except such as by this constitution they are admitted to hold, saving that the judges of the said court may hold the offices of justices of the peace through the State; nor shall they hold any other place or office, or receive any pension or salary from any other State, or government or power, whatever.

Plurality of offices prohibited to governor, &c., except, &c.
See amendments, Art. VIII.

No person shall be capable of holding or exercising at the same time, within this State, more than one of the following offices, viz.: judge of probate, sheriff, register of probate, or register of deeds; and never more than any two offices, which are to be held by appointment of the governor, or the governor and council, or the senate, or the house of representatives, or by the election of the people of the State at large, or of the people of any county, military offices, and the offices of justices of the peace excepted, shall be held by one person.

Same subject.

No person holding the office of judge of the supreme judicial court — secretary — attorney-general — [solicitor-general] — treasurer or receiver-general — judge of probate — commissary-general — [president, professor, or instructor of Harvard College] — sheriff — clerk of the house of representatives — register of probate — register of deeds — clerk of the supreme judicial court — [clerk of the inferior court of common pleas] — or officer of the customs, including in this description naval officers — shall at the same time have a seat in the senate or house of representatives; but their being chosen or appointed to, and accepting the same, shall operate as a resignation of their seat in the senate or house of representatives; and the place so vacated shall be filled up.

Incompatible offices.

See amendments, Art. VIII. and XXVII.

And the same rule shall take place in case any judge of the said supreme judicial court, or judge of probate, shall

Same subject.

accept a seat in council; or any councillor shall accept of either of those offices or places.

Bribery, &c.,
operates dis-
qualification.

And no person shall ever be admitted to hold a seat in the legislature, or any office of trust or importance under the government of this Commonwealth, who shall in the due course of law, have been convicted of bribery or corruption, in obtaining an election or appointment.

Value of money
ascertained.
Property quali-
fications.

III. In all cases where sums of money are mentioned in this constitution, the value thereof shall be computed in silver, at six shillings and eight pence per ounce; and it shall be in the power of the legislature, from time to time, to increase such qualifications, as to property, of the persons to be elected to offices, as the circumstances of the Commonwealth shall require.

See amend-
ments, Art.
XIII.

Provisions re-
specting com-
missions.

IV. All commissions shall be in the name of the Commonwealth of Massachusetts, signed by the governor, and attested by the secretary or his deputy, and have the great seal of the Commonwealth affixed thereto.

Provisions re-
specting writs.

V. All writs, issuing out of the clerk's office in any of the courts of law, shall be in the name of the Commonwealth of Massachusetts; they shall be under the seal of the court from whence they issue; they shall bear test of the first justice of the court to which they shall be returnable who is not a party, and be signed by the clerk of such court.

Continuation of
former laws, ex-
cept, &c.

VI. All the laws which have heretofore been adopted, used and approved, in the Province, Colony or State of Massachusetts Bay, and usually practised on in the courts of law, shall still remain and be in full force, until altered or repealed by the legislature; such parts only excepted as are repugnant to the rights and liberties contained in this constitution.

Benefit of
habeas corpus
secured, except,
&c.

VII. The privilege and benefit of the writ of habeas corpus shall be enjoyed in this Commonwealth, in the most free, easy, cheap, expeditious and ample manner; and shall not be suspended by the legislature, except upon the most urgent and pressing occasions, and for a limited time, not exceeding twelve months.

The enacting
style.

VIII. The enacting style, in making and passing all acts, statutes and laws, shall be—"Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same."

Officers of for-
mer government
continued until,
&c.

[IX. To the end there may be no failure of justice, or danger arise to the Commonwealth, from a change of the form of government, all officers, civil and military, holding commissions under the government and people of Massachusetts Bay, in New England, and all other offi-

cers of the said government and people, at the time this constitution shall take effect, shall have, hold, use, exercise and enjoy all the powers and authority to them granted or committed, until other persons shall be appointed in their stead; and all courts of law shall proceed in the execution of the business of their respective departments; and all the executive and legislative officers, bodies and powers, shall continue in full force, in the enjoyment and exercise of all their trusts, employments and authority, until the general court, and the supreme and executive officers under this constitution, are designated and invested with their respective trusts, powers and authority.

X. In order the more effectually to adhere to the principles of the constitution, and to correct those violations which by any means may be made therein, as well as to form such alterations as from experience shall be found necessary, the general court, which shall be in the year of our Lord one thousand seven hundred and ninety-five, shall issue precepts to the selectmen of the several towns, and to the assessors of the unincorporated plantations, directing them to convene the qualified voters of their respective towns and plantations, for the purpose of collecting their sentiments on the necessity or expediency of revising the constitution, in order to amendments.

Provision for revising constitution. Amendments, Art. IX.

And if it shall appear, by the returns made, that two-thirds of the qualified voters throughout the State, who shall assemble and vote in consequence of the said precepts, are in favor of such revision or amendment, the general court shall issue precepts, or direct them to be issued from the secretary's office, to the several towns, to elect delegates to meet in convention for the purpose aforesaid.

Same subject.

The said delegates to be chosen in the same manner and proportion as their representatives in the second branch of the legislature are by this constitution to be chosen.]

XI. This form of government shall be enrolled on parchment, and deposited in the secretary's office, and be a part of the laws of the land; and printed copies thereof shall be prefixed to the book containing the laws of this Commonwealth, in all future editions of the said laws.

Provision for preserving and publishing the constitution.

ARTICLES OF AMENDMENT.

ART. I. If any bill or resolve shall be objected to, and not approved by the governor; and if the general court shall adjourn within five days after the same shall have been laid before the governor for his approbation, and thereby prevent his returning it with his objections, as provided by the constitution, such bill or resolve shall not become a law, nor have force as such.

Bill, &c., not approved within five days, not to become a law, if legislature adjourn in the meantime.

ART. II. The general court shall have full power and authority to erect and constitute municipal or city governments, in any corporate town or towns in this Common-

General court empowered to charter cities.

wealth, and to grant to the inhabitants thereof such powers, privileges and immunities, not repugnant to the constitution, as the general court shall deem necessary or expedient for the regulation and government thereof, and to prescribe the manner of calling and holding public meetings of the inhabitants in wards or otherwise, for the election of officers under the constitution, and the manner of returning the votes given at such meetings: provided, that no such government shall be erected or constituted in any town not containing twelve thousand inhabitants; nor unless it be with the consent, and on the application, of a majority of the inhabitants of such town, present and voting thereon, pursuant to a vote at a meeting duly warned and holden for that purpose; and provided, also, that all by-laws, made by such municipal or city government, shall be subject, at all times, to be annulled by the general court.

Proviso.

Qualifications of voters for governor, lieutenant-governor, senators and representatives. 11 Pick. 538. See amendments, Arts. XX., XXIII. and XXVI.

ART. III. Every male citizen of twenty-one years of age and upwards, (excepting paupers and persons under guardianship,) who shall have resided within the Commonwealth one year, and within the town or district, in which he may claim a right to vote, six calendar months next preceding any election of governor, lieutenant-governor, senators or representatives, and who shall have paid, by himself, or his parent, master or guardian, any state or county tax, which shall, within two years next preceding such election, have been assessed upon him, in any town or district of this Commonwealth; and also, every citizen who shall be by law exempted from taxation, and who shall be in all other respects qualified as above mentioned, shall have a right to vote in such election of governor, lieutenant-governor, senators and representatives; and no other person shall be entitled to vote in such elections.

Notaries public, how appointed and removed.

ART. IV. Notaries public shall be appointed by the governor, in the same manner as judicial officers are appointed, and shall hold their offices during seven years, unless sooner removed by the governor, with the consent of the council, upon the address of both houses of the legislature.

Vacancies in the offices of secretary and treasurer, how filled in case, &c. See amendments, Art. XVII.

[In case the office of secretary or treasurer of the Commonwealth shall become vacant from any cause, during the recess of the general court, the governor, with the advice and consent of the council, shall nominate and appoint, under such regulations as may be prescribed by law, a competent and suitable person to such vacant office, who shall hold the same until a successor shall be appointed by the general court.]

Whenever the exigencies of the Commonwealth shall

require the appointment of a commissary-general, he shall be nominated, appointed and commissioned, in such manner as the legislature may, by law, prescribe.

Commissary-general may be appointed, in case, &c.

All officers commissioned to command in the militia, may be removed from office in such manner as the legislature may, by law, prescribe.

Militia officers, how removed.

ART. V. In the elections of captains and subalterns of the militia, all the members of their respective companies, as well those under as those above the age of twenty-one years, shall have a right to vote.

Who may vote for captains and subalterns.

ART. VI. Instead of the oath of allegiance prescribed by the constitution, the following oath shall be taken and subscribed by every person chosen or appointed to any office, civil or military, under the government of this Commonwealth, before he shall enter on the duties of his office, to wit:—

Oath to be taken by all officers.

“I, A. B., do solemnly swear, that I will bear true faith and allegiance to the Commonwealth of Massachusetts, and will support the constitution thereof. So help me, God.” *Provided*, That when any person shall be of the denomination called Quakers, and shall decline taking said oath, he shall make his affirmation in the foregoing form, omitting the word “swear,” and inserting, instead thereof, the word “affirm,” and omitting the words “So help me, GOD,” and subjoining, instead thereof, the words, “This I do under the pains and penalties of perjury.”

Proviso: Quaker may affirm.

ART. VII. No oath, declaration or subscription, excepting the oath prescribed in the preceding article, and the oath of office, shall be required of the governor, lieutenant-governor, councillors, senators or representatives, to qualify them to perform the duties of their respective offices.

Tests abolished.

ART. VIII. No judge of any court of this Commonwealth, (except the court of sessions,) and no person holding any office under the authority of the United States (postmasters excepted,) shall, at the same time, hold the office of governor, lieutenant-governor or councillor, or have a seat in the senate or house of representatives of this Commonwealth; and no judge of any court in this Commonwealth, (except the court of sessions,) nor the attorney-general, [solicitor-general, county-attorney,] clerk of any court, sheriff, treasurer and receiver-general, register of probate, nor register of deeds, shall continue to hold his said office after being elected a member of the Congress of the United States, and accepting that trust; but the accept-

Incompatibility of offices.

ance of such trust, by any of the officers aforesaid, shall be deemed and taken to be a resignation of his said office; [and judges of the courts of common pleas shall hold no other office under the government of this Commonwealth, the office of justice of the peace and militia offices excepted.]

Amendments to
constitution,
how made.

ART. IX. If, at any time hereafter, any specific and particular amendment or amendments to the constitution be proposed in the general court, and agreed to by a majority of the senators and two-thirds of the members of the house of representatives present and voting thereon, such proposed amendment or amendments shall be entered on the journals of the two houses, with the yeas and nays taken thereon, and referred to the general court then next to be chosen, and shall be published; and if, in the general court next chosen as aforesaid, such proposed amendment or amendments shall be agreed to by a majority of the senators and two-thirds of the members of the house of representatives present and voting thereon, then it shall be the duty of the general court to submit such proposed amendment or amendments to the people; and if they shall be approved and ratified by a majority of the qualified voters, voting thereon, at meetings legally warned and holden for that purpose, they shall become part of the constitution of this Commonwealth.

Commencement
of political year,

ART. X. The political year shall begin on the first Wednesday of January, instead of the last Wednesday of May; and the general court shall assemble every year on the said first Wednesday of January, and shall proceed, at that session, to make all the elections, and do all the other acts, which are by the constitution required to be made and done at the session which has heretofore commenced on the last Wednesday of May. And the general court shall

and termination.

be dissolved on the day next preceding the first Wednesday of January, without any proclamation or other act of the governor. But nothing herein contained shall prevent the general court from assembling at such other times as they shall judge necessary, or when called together by the governor. The governor, lieutenant-governor and councillors, shall also hold their respective offices for one year next following the first Wednesday of January, and until others are chosen and qualified in their stead.

Meetings for the
choice of gover-
nor, lieutenant-
governor, &c.,

[The meeting for the choice of governor, lieutenant-governor, senators and representatives, shall be held on the second Monday of November in every year; but meetings may be adjourned, if necessary,

for the choice of representatives, to the next day, and again to the next succeeding day, but no further. But in case a second meeting shall be necessary for the choice of representatives, such meetings shall be held on the fourth Monday of the same month of November.]

when to be held.
May be adjourned.
See amendments, Art. XV

All the [other] provisions of the constitution, respecting the elections and proceedings of the members of the general court, or of any other officers or persons whatever, that have reference to the last Wednesday of May as the commencement of the political year, shall be so far altered, as to have like reference to the first Wednesday of January.

This article shall go into operation on the first day of October, next following the day when the same shall be duly ratified and adopted as an amendment of the constitution; and the governor, lieutenant-governor, councillors, senators, representatives, and all other state officers, who are annually chosen, and who shall be chosen for the current year, when the same shall go into operation, shall hold their respective offices until the first Wednesday of January then next following, and until others are chosen and qualified in their stead, and no longer; and the first election of the governor, lieutenant-governor, senators and representatives, to be had in virtue of this article, shall be had conformably thereunto, in the month of November following the day on which the same shall be in force and go into operation, pursuant to the foregoing provision.

Article, when to go into operation.

All the provisions of the existing constitution, inconsistent with the provisions herein contained, are hereby wholly annulled.

Inconsistent provisions annulled.

ART. XI. Instead of the third article of the bill of rights, the following modification and amendment thereof is substituted:—

“As the public worship of God, and instructions in piety, religion and morality, promote the happiness and prosperity of a people, and the security of a republican government; therefore the several religious societies of this Commonwealth, whether corporate or unincorporate, at any meeting legally warned and holden for that purpose, shall ever have the right to elect their pastors or religious teachers, to contract with them for their support, to raise money for erecting and repairing houses for public worship, for the maintenance of religious instruction, and for the payment of necessary expenses; and all persons belonging to any religious society shall be taken and held to be members, until they shall file with the clerk of such society a written notice declaring the dissolution of their membership, and

Religious freedom established.

thenceforth shall not be liable for any grant or contract which may be thereafter made or entered into by such society; and all religious sects and denominations, demeaning themselves peaceably, and as good citizens of the Commonwealth, shall be equally under the protection of the law; and no subordination of any one sect or denomination to another shall ever be established by law."

Census of ratable polls to be taken in 1837, and decennially thereafter.

Representatives, how apportioned. See amendments, Arts. XIII. and XXI.

Towns having less than 300 ratable polls, how represented.

Fractions, how represented.

Towns may unite into representative districts.

The governor and council to determine the number of representatives to which each town is entitled.

New apportionment to be made once in every ten years.

[ART. XII. In order to provide for a representation of the citizens of this Commonwealth, founded upon the principles of equality, a census of the ratable polls in each city, town and district of the Commonwealth, on the first day of May, shall be taken and returned into the secretary's office, in such manner as the legislature shall provide, within the month of May, in the year of our Lord one thousand eight hundred and thirty-seven, and in every tenth year thereafter, in the month of May, in manner aforesaid: and each town or city having three hundred ratable polls at the last preceding decennial census of polls, may elect one representative, and for every four hundred and fifty ratable polls, in addition to the first three hundred, one representative more.

Any town having less than three hundred ratable polls shall be represented thus: The whole number of ratable polls, at the last preceding decennial census of polls, shall be multiplied by ten, and the product divided by three hundred; and such town may elect one representative as many years within ten years, as three hundred is contained in the product aforesaid.

Any city or town having ratable polls enough to elect one or more representatives, with any number of polls beyond the necessary number, may be represented, as to that surplus number, by multiplying such surplus number by ten, and dividing the product by four hundred and fifty; and such city or town may elect one additional representative as many years, within the ten years, as four hundred and fifty is contained in the product aforesaid.

Any two or more of the several towns and districts may, by consent of a majority of the legal voters present at a legal meeting in each of said towns and districts, respectively, called for that purpose, and held previous to the first day of July, in the year in which the decennial census of polls shall be taken, form themselves into a representative district to continue until the next decennial census of polls, for the election of a representative or representatives; and such district shall have all the rights, in regard to representation, which would belong to a town containing the same number of ratable polls.

The governor and council shall ascertain and determine, within the months of July and August, in the year of our Lord one thousand eight hundred and thirty-seven, according to the foregoing principles, the number of representatives which each city, town and representative district is entitled to elect, and the number of years, within the period of ten years then next ensuing, that each city, town and representative district may elect an additional representative; and where any town has not a sufficient number of polls to elect a representative each year, then, how many years within the ten years, such town may elect a representative; and the same shall be done once in ten years thereafter, by the governor and council, and the number of ratable polls in each decennial census of polls shall determine the number of representatives which each city, town and representative district may elect as aforesaid; and when the number of representatives to be

elected by each city, town or representative district is ascertained and determined as aforesaid, the governor shall cause the same to be published forthwith for the information of the people, and that number shall remain fixed and unalterable for the period of ten years.

All the provisions of the existing constitution inconsistent with the provisions herein contained, are hereby wholly annulled.]

Inconsistent provisions annulled.

ART. XIII. [A census of the inhabitants of each city and town, on the first day of May, shall be taken and returned into the secretary's office, on or before the last day of June, of the year one thousand eight hundred and forty, and of every tenth year thereafter; which census shall determine the apportionment of senators and representatives for the term of ten years.

Census of inhabitants to be taken in 1840, and decennially thereafter, for basis of representation. See amendments, Art. XXII. Senatorial districts declared permanent. See amendments, Art. XXII.

The several senatorial districts now existing, shall be permanent. The senate shall consist of forty members; and in the year one thousand eight hundred and forty, and every tenth year thereafter, the governor and council shall assign the number of senators to be chosen in each district, according to the number of inhabitants in the same. But, in all cases, at least one senator shall be assigned to each district.

The members of the house of representatives shall be apportioned in the following manner: Every town or city containing twelve hundred inhabitants, may elect one representative; and two thousand four hundred inhabitants shall be the mean increasing number, which shall entitle it to an additional representative.

House of representatives, how apportioned. See amendments, Art. XXI.

Every town containing less than twelve hundred inhabitants shall be entitled to elect a representative as many times, within ten years, as the number one hundred and sixty is contained in the number of the inhabitants of said town. Such towns may also elect one representative for the year in which the valuation of estates within the Commonwealth shall be settled.

Small towns, how represented.

Any two or more of the several towns may, by consent of a majority of the legal voters present at a legal meeting, in each of said towns, respectively, called for that purpose, and held before the first day of August, in the year one thousand eight hundred and forty, and every tenth year thereafter, form themselves into a representative district, to continue for the term of ten years; and such district shall have all the rights, in regard to representation, which would belong to a town containing the same number of inhabitants.

Towns may unite into representative districts.

The number of inhabitants which shall entitle a town to elect one representative, and the mean increasing number, which shall entitle a town or city to elect more than one, and also the number by which the population of towns, not entitled to a representative every year, is to be divided, shall be increased, respectively, by one-tenth of the numbers above mentioned, whenever the population of the Commonwealth shall have increased to seven hundred and seventy thousand, and for every additional increase of seventy thousand inhabitants, the same addition of one-tenth shall be made, respectively, to the said numbers above mentioned.

Basis of representation, and ratio of increase.

In the year of each decennial census, the governor and council shall, before the first day of September, apportion the number of representatives which each city, town and representative district is entitled to elect, and ascertain how many years, within ten years, any town may elect a representative, which is not entitled to elect one every year; and the governor shall cause the same to be published forthwith.

The governor and council to apportion the number of representatives of each town once in every ten years. Councilors to be chosen from the people at large.

Nine councillors shall be annually chosen from among the people at large, on the first Wednesday of January, or as soon thereafter as may be, by the joint ballot of the senators and representatives, as-

See amend-
ments, Art.
XVI.
Qualifications of
councillors.

sembled in one room, who shall, as soon as may be, in like manner, fill up any vacancies that may happen in the council, by death, resignation or otherwise. No person shall be elected a councillor who has not been an inhabitant of this Commonwealth for the term of five years immediately preceding his election; and not more than one councillor shall be chosen from any one senatorial district in the Commonwealth.]

Freehold as a
qualification not
required.

No possession of a freehold, or of any other estate, shall be required as a qualification for holding a seat in either branch of the general court, or in the executive council.

Elections by the
people to be by
plurality of
votes.

ART. XIV. In all elections of civil officers by the people of this Commonwealth, whose election is provided for by the constitution, the person having the highest number of votes shall be deemed and declared to be elected.

Time of annual
election of gov-
ernor and legis-
lature.

ART. XV. The meeting for the choice of governor, lieutenant-governor, senators and representatives, shall be held on the Tuesday next after the first Monday in November, annually; but in case of a failure to elect representatives on that day, a second meeting shall be holden, for that purpose, on the fourth Monday of the same month of November.

Eight council-
lors to be chosen
by the people.

ART. XVI. Eight councillors shall be annually chosen by the inhabitants of this Commonwealth, qualified to vote for governor. The election of councillors shall be determined by the same rule that is required in the election of governor. The legislature, at its first session after this amendment shall have been adopted, and at its first session after the next State census shall have been taken, and at its first session after each decennial State census thereafter, shall divide the Commonwealth into eight districts of contiguous territory, each containing a number of inhabitants as nearly equal as practicable, without dividing any town or ward of a city, and each entitled to elect one councillor: *provided, however*, that if, at any time, the constitution shall provide for the division of the Commonwealth into forty senatorial districts, then the legislature shall so arrange the councillor districts, that each district shall consist of five contiguous senatorial districts, as they shall be, from time to time, established by the legislature.

Legislature to
district state.

Eligibility de-
fined.

No person shall be eligible to the office of councillor who has not been an inhabitant of the Commonwealth for the term of five years immediately preceding his election. The

Day and manner
of election, &c.

day and manner of the election, the return of the votes, and the declaration of the said elections, shall be the same as are required in the election of governor. Whenever there shall be a failure to elect the full number of council-

lors, the vacancies shall be filled in the same manner as is required for filling vacancies in the senate; and vacancies occasioned by death, removal from the State, or otherwise, shall be filled in like manner, as soon as may be, after such vacancies shall have happened. And that there may be no delay in the organization of the government on the first Wednesday of January, the governor, with at least five councillors for the time being, shall, as soon as may be, examine the returned copies of the records for the election of governor, lieutenant-governor, and councillors; and ten days before the said first Wednesday in January he shall issue his summons to such persons as appear to be chosen, to attend on that day to be qualified accordingly; and the secretary shall lay the returns before the senate and house of representatives on the said first Wednesday in January, to be by them examined; and in case of the election of either of said officers, the choice shall be by them declared and published; but in case there shall be no election of either of said officers, the legislature shall proceed to fill such vacancies in the manner provided in the constitution for the choice of such officers.

Vacancies, how filled.

Organization of the government.

ART. XVII. The secretary, treasurer and receiver-general, auditor, and attorney-general, shall be chosen annually, on the day in November prescribed for the choice of governor; and each person then chosen as such, duly qualified in other respects, shall hold his office for the term of one year from the third Wednesday in January next thereafter, and until another is chosen and qualified in his stead. The qualification of the voters, the manner of the election, the return of the votes, and the declaration of the election, shall be such as are required in the election of governor. In case of a failure to elect either of said officers on the day in November aforesaid, or in case of the decease, in the mean time, of the person elected as such, such officer shall be chosen on or before the third Wednesday in January next thereafter, from the two persons who had the highest number of votes for said offices on the day in November aforesaid, by joint ballot of the senators and representatives, in one room; and in case the office of secretary, or treasurer and receiver-general, or auditor, or attorney-general, shall become vacant, from any cause, during an annual or special session of the general court, such vacancy shall in like manner be filled by choice from the people at large; but if such vacancy shall occur at any other time, it shall be supplied by the governor by appointment, with the advice and

Election of secretary, treasurer, auditor and attorney-general by the people.

Vacancies, how filled.

To qualify with-
in ten days,
otherwise office
to be deemed vac-
cant.

Qualification
requisite.

School money*
not to be ap-
plied for secta-
rian schools.

Legislature to
prescribe for the
election of sher-
iffs, registers of
probate, &c., by
the people.

Reading consti-
tution in English
and writing,
necessary quali-
fications of vo-
ters.
Providso.

Census of legal
voters and of in-
habitants, when
taken, &c.

See General
Stat. chapter 20.

consent of the council. The person so chosen or appointed, duly qualified in other respects, shall hold his office until his successor is chosen and duly qualified in his stead. In case any person chosen or appointed to either of the offices aforesaid, shall neglect, for the space of ten days after he could otherwise enter upon his duties, to qualify himself in all respects to enter upon the discharge of such duties, the office to which he has been elected or appointed shall be deemed vacant. No person shall be eligible to either of said offices unless he shall have been an inhabitant of this Commonwealth five years next preceding his election or appointment.

ART. XVIII. All moneys raised by taxation in the towns and cities for the support of public schools, and all moneys which may be appropriated by the State for the support of common schools, shall be applied to, and expended in, no other schools than those which are conducted according to law, under the order and superintendence of the authorities of the town or city in which the money is to be expended; and such moneys shall never be appropriated to any religious sect for the maintenance, exclusively, of its own school.

ART. XIX. The legislature shall prescribe, by general law, for the election of sheriffs, registers of probate, commissioners of insolvency, and clerks of the courts, by the people of the several counties, and that district-attorneys shall be chosen by the people of the several districts, for such term of office as the legislature shall prescribe.

ART. XX. No person shall have the right to vote, or be eligible to office under the constitution of this Commonwealth, who shall not be able to read the constitution in the English language and write his name: *provided, however*, that the provisions of this amendment shall not apply to any person prevented by a physical disability from complying with its requisitions, nor to any person who now has the right to vote, nor to any persons who shall be sixty years of age or upwards at the time this amendment shall take effect.

ART. XXI. A census of the legal voters of each city and town, on the first day of May, shall be taken and returned into the office of the secretary of the Commonwealth, on or before the last day of June, in the year one thousand eight hundred and fifty-seven; and a census of the inhabitants of each city and town, in the year one

thousand eight hundred and sixty-five, and of every tenth year thereafter. In the census aforesaid, a special enumeration shall be made of the legal voters; and in each city said enumeration shall specify the number of such legal voters aforesaid, residing in each ward of such city. The enumeration aforesaid shall determine the apportionment of representatives for the periods between the taking of the census.

The house of representatives shall consist of two hundred and forty members, which shall be apportioned by the legislature, at its first session after the return of each enumeration as aforesaid, to the several counties of the Commonwealth, equally, as nearly as may be, according to their relative numbers of legal voters, as ascertained by the next preceding special enumeration; and the town of Cohasset, in the county of Norfolk, shall, for this purpose, as well as in the formation of districts, as hereinafter provided, be considered a part of the county of Plymouth; and it shall be the duty of the secretary of the Commonwealth, to certify, as soon as may be after it is determined by the legislature, the number of representatives to which each county shall be entitled, to the board authorized to divide each county into representative districts. The mayor and aldermen of the city of Boston, the county commissioners of other counties than Suffolk, — or in lieu of the mayor and aldermen of the city of Boston, or of the county commissioners in each county other than Suffolk, such board of special commissioners in each county, to be elected by the people of the county, or of the towns therein, as may for that purpose be provided by law, shall, on the first Tuesday of August next after each assignment of representatives to each county, assemble at a shire town of their respective counties, and proceed as soon as may be, to divide the same into representative districts of contiguous territory, so as to apportion the representation assigned to each county equally, as nearly as may be, according to the relative number of legal voters in the several districts of each county; and such districts shall be so formed that no town or ward of a city shall be divided therefor, nor shall any district be made which shall be entitled to elect more than three representatives. Every representative, for one year at least next preceding his election, shall have been an inhabitant of the district for which he is chosen, and shall cease to represent such district when he shall cease to be an inhabitant of the Commonwealth. The districts in each county shall be numbered by the board creating the

House to consist of 240 members; representatives to be apportioned upon basis of legal voters.

Secretary shall certify to officers authorized to divide counties.

Meeting for division to be first Tuesday in August.

Proceedings.

Qualifications of representatives.

Districts to be numbered, &c.

scribed and certified.

One hundred members a quorum.

Census of voters and inhabitants to be taken.

Voters to be basis of apportionment of senators.

Senate to consist of 40 members.

Senatorial districts, &c.

Proviso.

Qualifications of senators.

Sixteen members a quorum.

same, and a description of each, with the numbers thereof and the number of legal voters therein, shall be returned by the board, to the secretary of the Commonwealth, the county treasurer of each county, and to the clerk of every town in each district, to be filed and kept in their respective offices. The manner of calling and conducting the meetings for the choice of representatives, and of ascertaining their election, shall be prescribed by law. Not less than one hundred members of the house of representatives shall constitute a quorum for doing business; but a less number may organize temporarily, adjourn from day to day, and compel the attendance of absent members.

ART. XXII. A census of the legal voters of each city and town, on the first day of May, shall be taken and returned into the office of the secretary of the Commonwealth, on or before the last day of June in the year one thousand eight hundred and fifty-seven; and a census of the inhabitants of each city and town, in the year one thousand eight hundred and sixty-five, and of every tenth year thereafter. In the census aforesaid, a special enumeration shall be made of the legal voters, and in each city said enumeration shall specify the number of such legal voters aforesaid, residing in each ward of such city. The enumeration aforesaid shall determine the apportionment of senators for the periods between the taking of the census. The senate shall consist of forty members. The general court shall, at its first session after each next preceding special enumeration, divide the Commonwealth into forty districts of adjacent territory, each district to contain, as nearly as may be, an equal number of legal voters, according to the enumeration aforesaid: *provided, however*, that no town or ward of a city shall be divided therefor; and such districts shall be formed, as nearly as may be, without uniting two counties, or parts of two or more counties, into one district. Each district shall elect one senator, who shall have been an inhabitant of this Commonwealth five years at least immediately preceding his election, and at the time of his election shall be an inhabitant of the district for which he is chosen; and he shall cease to represent such senatorial district when he shall cease to be an inhabitant of the Commonwealth. Not less than sixteen senators shall constitute a quorum for doing business; but a less number may organize temporarily, adjourn from day to day, and compel the attendance of absent members.

[ART. XXIII. No person of foreign birth shall be entitled to vote, or shall be eligible to office, unless he shall have resided within the jurisdiction of the United States for two years subsequent to his naturalization, and shall be otherwise qualified, according to the constitution and laws of this Commonwealth: *provided*, that this amendment shall not affect the rights which any person of foreign birth possessed at the time of the adoption thereof; and, *provided*, further, that it shall not affect the rights of any child of a citizen of the United States, born during the temporary absence of the parent therefrom.]

Residence of two years required of naturalized citizen, to entitle to suffrage or make eligible to office. See amendment, Art. XXVI.

ART. XXIV. Any vacancy in the senate shall be filled by election by the people of the unrepresented district, upon the order of a majority of senators elected.

Vacancies in the senate.

ART. XXV. In case of a vacancy in the council, from a failure of election, or other cause, the senate and house of representatives shall, by concurrent vote, choose some eligible person from the people of the district wherein such vacancy occurs, to fill that office. If such vacancy shall happen when the legislature is not in session, the governor, with the advice and consent of the council, may fill the same by appointment of some eligible person.

Vacancies in the council.

ART. XXVI. The twenty-third article of the articles of amendment of the constitution of this Commonwealth, which is as follows, to wit: "No person of foreign birth shall be entitled to vote, or shall be eligible to office unless he shall have resided within the jurisdiction of the United States for two years subsequent to his naturalization, and shall be otherwise qualified, according to the constitution and laws of this Commonwealth: *provided*, that this amendment shall not affect the rights which any person of foreign birth possessed at the time of the adoption thereof; and *provided*, further, that it shall not affect the rights of any child of a citizen of the United States, born during the temporary absence of the parent therefrom," is hereby wholly annulled.

Twenty-third article of amendments annulled.

ART. XXVII. So much of article two of chapter six of the constitution of this Commonwealth as relates to persons holding the office of president, professor or instructor of Harvard College, is hereby annulled.

Officers of Harvard College may be elected members of general court.

THE FRAMING AND POPULAR ADOPTION OF THE CONSTITUTION.

The Constitution of Massachusetts was agreed upon by delegates of the people, in convention, begun and held at Cambridge, on the first day of September, 1779, and continued by adjournments to the second

CONSTITUTION OF THE

day of March, 1780, when the convention adjourned to meet on the first Wednesday of the ensuing June. In the meantime the Constitution was submitted to the people, to be adopted by them, provided two-thirds of the votes given should be in the affirmative. When the convention assembled, it was found that the Constitution had been adopted by the requisite number of votes, and the convention accordingly *Resolved*, "That the said Constitution or Frame of Government shall take place on the last Wednesday of October next; and not before, for any purpose, save only for that of making elections, agreeable to this resolution." The first legislature assembled at Boston, on the twenty-fifth day of October, 1780.

ARTICLES OF AMENDMENT.

The first nine Articles of Amendment were submitted, by delegates in convention assembled, November 15, 1820, to the people, and by them ratified and adopted, April 9, 1821.

The tenth Article was adopted by the legislatures of the political years 1829-30, and 1830-31, respectively, and was approved and ratified by the people, May 11, 1831.

The eleventh Article was adopted by the legislatures of the political years 1832 and 1833, and was approved and ratified by the people, November 11, 1833.

The twelfth Article was adopted by the legislatures of the political years 1835 and 1836, and was approved and ratified by the people, the fourteenth day of November, 1836.

The thirteenth Article was adopted by the legislatures of the political years 1839 and 1840, and was approved and ratified by the people, the sixth day of April, 1840.

The fourteenth, fifteenth, sixteenth, seventeenth, eighteenth and nineteenth Articles were adopted by the legislatures of the political years 1851 and 1855, and were approved and ratified by the people, the twenty-third day of May, 1855.

The twentieth, twenty-first and twenty-second Articles were adopted by the legislatures of the political years 1856 and 1857, and were approved and ratified by the people on the first day of May, 1857.

The twenty-third Article was adopted by the legislatures of the

political years 1858 and 1859, and was approved and ratified by the people on the ninth day of May, 1859.

The twenty-fourth and twenty-fifth Articles were adopted by the legislatures of the political years 1859 and 1860, and were approved and ratified by the people on the seventh day of May, 1860.

The twenty-sixth Article was adopted by the legislatures of the political years 1862 and 1863, and was approved and ratified by the people on the sixth day of April, 1863.

The twenty-seventh Article was adopted by the legislatures of the political years 1876 and 1877, and was approved and ratified by the people on the sixth day of November, 1877.

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GENERAL STATUTES AND SPECIAL ACTS
OF
MASSACHUSETTS.

1881.

¶ The General Court of 1881 assembled on Wednesday, the fifth day of January. The oaths of office required by the Constitution to be administered to the Governor and Lieutenant-Governor elect were taken and subscribed by his Excellency JOHN D. LONG and his Honor BYRON WESTON, on Thursday, the sixth day of January, in the presence of the two Houses assembled in convention.

ACTS,

GENERAL AND SPECIAL.

AN ACT MAKING APPROPRIATIONS FOR THE MAINTENANCE OF THE GOVERNMENT FOR THE PRESENT YEAR. *Chap. 1*

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows :

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury, from the ordinary revenue, for the purposes specified, to meet expenses for the year ending on the thirty-first day of December in the year eighteen hundred and eighty-one, to wit:— Appropriations.

LEGISLATIVE DEPARTMENT.

For the salaries of the clerks of the senate and house of representatives, two thousand five hundred dollars each. Clerks of senate and house.

For the salaries of the assistant clerks of the senate and house of representatives, nine hundred dollars each. Assistant clerks.

For the salary of the sergeant-at-arms, two thousand five hundred dollars. Sergeant-at-arms.

For the salary of the engineer at the state house, one thousand two hundred dollars. Engineer.

For the salaries of the four watchmen at the state house, one thousand dollars each. Watchmen.

For the salary of the assistant watchman at the state house, seven hundred and fifty dollars. Assistant watchman.

For the salaries of the fireman at the state house, and fireman and janitor at number thirty-three Pemberton Square, eight hundred dollars each. Fireman and janitor.

For the salary of the assistant fireman at the state house, two dollars and one-half per diem for each day employed. Assistant fireman.

EXECUTIVE DEPARTMENT.

Lieutenant-governor and council.	For the compensation of the lieutenant-governor, two thousand dollars, and for the executive council, six thousand four hundred dollars. For the travelling expenses of said council, a sum not exceeding five hundred dollars.
Private secretary.	For the salary of the private secretary of the governor, one thousand five hundred dollars.
Messenger and assistant messenger.	For the salary of the messenger of the governor and council, nine hundred dollars, and for the salary of the assistant messenger, seven hundred dollars.

SECRETARY'S DEPARTMENT.

Secretary.	For the salary of the secretary of the Commonwealth, two thousand five hundred dollars.
First clerk.	For the salary of the first clerk in the secretary's department, one thousand eight hundred dollars.
Second clerk.	For the salary of the second clerk in the secretary's department, one thousand five hundred dollars.
Third clerk.	For the salary of the third clerk in the secretary's department, one thousand two hundred dollars.
Additional clerical assistance.	For a messenger, and such additional clerical assistance as the secretary may find necessary, a sum not exceeding eight thousand dollars.
Indexing archives.	For the salary of the clerk employed under resolve chapter eleven of the acts of the year eighteen hundred and seventy-eight, entitled "Resolve in addition to a resolve relating to the indexing of the state archives," a sum not exceeding eleven hundred dollars.

TREASURER'S DEPARTMENT.

Treasurer.	For the salary of the treasurer and receiver-general, four thousand dollars.
First clerk.	For the salary of the first clerk in the treasurer's department, two thousand three hundred dollars.
Second clerk.	For the salary of the second clerk in the treasurer's department, one thousand eight hundred dollars.
Cashier.	For the salary of the cashier in the treasurer's department, one thousand eight hundred dollars.
Additional clerical assistance.	For the salaries of the two extra clerks in the treasurer's department, one thousand one hundred dollars each; and for such additional clerical assistance as the treasurer may need, a sum not exceeding three hundred dollars.

TAX COMMISSIONER'S BUREAU.

For the salary of the deputy tax commissioner and commissioner of corporations, two thousand seven hundred and fifty dollars. Deputy tax commissioner.

For the salary of the first clerk of the tax commissioner, one thousand eight hundred dollars. First clerk.

For the salary of the second clerk of the tax commissioner, one thousand three hundred dollars. Second clerk.

For such additional clerical assistance as the tax commissioner and commissioner of corporations may find necessary, a sum not exceeding eleven thousand dollars. Additional clerical assistance.

AUDITOR'S DEPARTMENT.

For the salary of the auditor of accounts, two thousand five hundred dollars. Auditor.

For the salary of the first clerk in the auditor's department, one thousand eight hundred dollars. First clerk.

For the salary of the second clerk in the auditor's department, one thousand five hundred dollars. Second clerk.

For the salaries of the two extra clerks in the auditor's department, one thousand one hundred dollars each; and for such additional clerical assistance as the auditor may find necessary, a sum not exceeding five hundred dollars. Additional clerical assistance.

ATTORNEY-GENERAL'S DEPARTMENT.

For the salary of the attorney-general, four thousand dollars. Attorney-general.

For the salary of the assistant attorney-general, two thousand dollars. Assistant attorney-general.

COMMISSIONERS, ET AL.

For the salaries of the commissioners on savings banks, five thousand six hundred dollars. Commissioners on savings banks.

For the salaries of the clerks of the commissioners on savings banks, one thousand six hundred dollars. Clerks.

For the salary of the insurance commissioner, three thousand dollars. Insurance commissioner.

For the salary of the deputy insurance commissioner, two thousand five hundred dollars. Deputy.

For the salary of the first clerk of the insurance commissioner, one thousand eight hundred dollars. First clerk.

For the salary of the second clerk of the insurance commissioner, one thousand five hundred dollars. Second clerk.

For the salary of one extra clerk of the insurance commissioner, one thousand dollars. Extra clerk.

Additional clerical assistance.	For such additional clerical assistance as the insurance commissioner may find necessary, a sum not exceeding seven thousand dollars.
Inspector of gas-meters.	For the salaries of the inspector and assistant inspector of gas-meters, three thousand two hundred dollars.
Secretary of commissioners on prisons.	For the salary of the secretary of the commissioners of prisons, two thousand dollars.
Clerk.	For the salary of the clerk of the commissioners of prisons, seven hundred dollars.
Railroad commissioners.	For the salaries of the railroad commissioners, eleven thousand dollars.
Clerk.	For the salary of the clerk of the railroad commissioners, two thousand dollars.
Accountant.	For the salary of the accountant of the railroad commissioners, two thousand dollars.
Assayer and inspector of liquors.	For the salary of the assayer and inspector of liquors, five hundred dollars.
Bureau of statistics of labor.	For the salary of the chief of the bureau of statistics on the subject of labor, two thousand five hundred dollars.
First clerk.	For the salary of the first clerk in the bureau of statistics on the subject of labor, one thousand five hundred dollars.
Additional clerical assistance.	For the compensation of other clerical services, and for expenses of the bureau of statistics on the subject of labor, a sum not exceeding five thousand dollars.

AGRICULTURAL DEPARTMENT.

Secretary.	For the salary of the secretary of the board of agriculture, two thousand dollars.
Clerk.	For the salary of the clerk of the secretary of the board of agriculture, one thousand dollars.
Additional clerical assistance.	For the compensation of other clerical services in the office of the secretary of the board of agriculture, and for lectures before the board, a sum not exceeding four hundred dollars.

EDUCATIONAL DEPARTMENT.

Board of education. Secretary.	For the salary and expenses of the secretary of the board of education, two thousand nine hundred dollars, to be paid out of the moiety of the school fund applicable to educational purposes.
Assistant librarian.	For the salary of the assistant librarian and clerk of the board of education, two thousand dollars.
Additional clerical assistance.	For such additional clerical assistance in the state library as may be found necessary, a sum not exceeding two thousand dollars.

MILITARY DEPARTMENT.

For the salary of the adjutant-general, two thousand five hundred dollars. Adjutant-general.

For the salary of the first clerk in the adjutant-general's department, one thousand eight hundred dollars. First clerk.

For the salary of the second clerk of the adjutant-general, one thousand six hundred dollars. Second clerk.

For the salary of the additional clerk appointed under chapter one hundred and seventeen, acts of eighteen hundred and seventy-nine, one thousand six hundred dollars. Additional clerk.

For the salaries of two extra clerks in the adjutant-general's department, one thousand two hundred dollars each. Extra clerks.

For the salary of the messenger in the adjutant-general's department, eight hundred dollars. Messenger.

For such additional clerical assistance as the adjutant-general may find necessary, a sum not exceeding three thousand dollars. Additional clerical assistance.

For compensation of employés at the state arsenal, a sum not exceeding two thousand five hundred dollars. Employés at arsenal.

MISCELLANEOUS.

For salary and expenses of the commissioners on state aid, a sum not exceeding three thousand five hundred dollars. Commissioners on state aid.

For compensation and expenses of the commissioners on fisheries, a sum not exceeding five thousand five hundred dollars. Commissioners on fisheries.

For the purchase of books for the state library, two thousand three hundred dollars, to be expended under the direction of the trustees and librarian. Books for library.

For the compensation and travelling expenses of the harbor and land commissioners, a sum not exceeding five thousand dollars. Harbor and land commissioners.

For compensation of the engineer, and services of experts, authorized by the harbor and land commissioners, a sum not exceeding three thousand three hundred dollars. Engineer and experts.

For rent and incidental and contingent expenses of the harbor and land commissioners, a sum not exceeding one thousand seven hundred dollars. Incidental and contingent expenses.

For the salary of the surgeon-general, one thousand two hundred dollars. Surgeon-general.

SECTION 2. This act shall take effect upon its passage.

Approved January 27, 1881.

Chap. 2 AN ACT MAKING APPROPRIATIONS FOR THE MILEAGE AND COMPENSATION OF THE MEMBERS OF THE LEGISLATURE, FOR THE COMPENSATION OF OFFICERS THEREOF, AND FOR OTHER PURPOSES.

Be it enacted, etc., as follows :

Appropriations. SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the Commonwealth, for the purposes specified, to wit:—

Senators, compensation. For compensation of senators, a sum not exceeding twenty thousand five hundred dollars.

Representatives, compensation. For the compensation of representatives, a sum not exceeding one hundred and twenty thousand five hundred dollars.

Senators, mileage. For mileage of senators, a sum not exceeding four hundred and fifty dollars.

Representatives, mileage. For mileage of representatives, a sum not exceeding two thousand five hundred dollars.

Preacher of election sermon. For the compensation of the preacher of the election sermon, fifty dollars.

Chaplains. For the compensation of the chaplains of the senate and house of representatives, six hundred dollars.

Doorkeepers, messengers and pages. For the compensation of the doorkeepers, messengers and pages of the senate and house of representatives, a sum not exceeding ten thousand dollars.

Witnesses before committees. For expenses of summoning witnesses before committees, and for fees for such witnesses, a sum not exceeding two hundred dollars.

Contingent expenses. For the contingent expenses of the senate and house of representatives, and necessary expenses in and about the state house, a sum not exceeding five thousand dollars.

Expenses of committees. For the authorized expenses of committees of the present legislature, to include clerical assistance to committees authorized to employ the same, a sum not exceeding five thousand dollars.

SECTION 2. This act shall take effect upon its passage.

Approved January 27, 1881.

Chap. 3 AN ACT IN ADDITION TO "AN ACT MAKING APPROPRIATIONS FOR THE MAINTENANCE OF THE GOVERNMENT DURING THE PRESENT YEAR."

Be it enacted, etc., as follows :

Appropriations. SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the Commonwealth, from the ordinary revenue, for the purposes specified, to meet expenses for the year ending December thirty-first in the year eighteen hundred and eighty-one, to wit:—

SUPREME JUDICIAL COURT.

For the salary of the clerk of the supreme judicial court, three thousand dollars. Clerk.

For the salary of the reporter of decisions of the supreme judicial court, three hundred dollars. Reporter.

For the expenses of the supreme judicial court, a sum not exceeding two thousand dollars. Expenses.

SUPERIOR COURT.

For the salary of the chief justice of the superior court, four thousand eight hundred dollars. Chief justice.

For the salaries of the ten associate justices of said court, forty-five thousand dollars. Associate justices.

COURTS OF PROBATE AND INSOLVENCY.

For the salary of the judge of probate and insolvency for the county of Suffolk, four thousand dollars. Judge — Suffolk.

For the salary of the judge of probate and insolvency for the county of Middlesex, two thousand five hundred dollars. Middlesex.

For the salary of the judge of probate and insolvency for the county of Worcester, two thousand five hundred dollars. Worcester.

For the salary of the judge of probate and insolvency for the county of Essex, two thousand five hundred dollars. Essex.

For the salary of the judge of probate and insolvency for the county of Norfolk, two thousand dollars. Norfolk.

For the salary of the judge of probate and insolvency for the county of Bristol, one thousand eight hundred dollars. Bristol.

For the salary of the judge of probate and insolvency for the county of Plymouth, one thousand five hundred dollars. Plymouth.

For the salary of the judge of probate and insolvency for the county of Berkshire, one thousand two hundred dollars. Berkshire.

For the salary of the judge of probate and insolvency for the county of Hampden, one thousand eight hundred dollars. Hampden.

For the salary of the judge of probate and insolvency for the county of Hampshire, one thousand four hundred dollars. Hampshire.

For the salary of the judge of probate and insolvency Franklin.

for the county of Franklin, one thousand four hundred dollars.

Barnstable. For the salary of the judge of probate and insolvency for the county of Barnstable, one thousand dollars.

Nantucket. For the salary of the judge of probate and insolvency for the county of Nantucket, five hundred dollars.

Dukes County. For the salary of the judge of probate and insolvency for the county of Dukes County, five hundred dollars.

Register — Suffolk. For the salary of the register of probate and insolvency for the county of Suffolk, three thousand dollars.

Middlesex. For the salary of the register of probate and insolvency for the county of Middlesex, two thousand dollars.

Worcester. For the salary of the register of probate and insolvency for the county of Worcester, two thousand dollars.

Essex. For the salary of the register of probate and insolvency for the county of Essex, two thousand dollars.

Norfolk. For the salary of the register of probate and insolvency for the county of Norfolk, one thousand five hundred dollars.

Bristol. For the salary of the register of probate and insolvency for the county of Bristol, one thousand eight hundred dollars.

Plymouth. For the salary of the register of probate and insolvency for the county of Plymouth, one thousand five hundred dollars.

Hampden. For the salary of the register of probate and insolvency for the county of Hampden, one thousand six hundred dollars.

Berkshire. For the salary of the register of probate and insolvency for the county of Berkshire, one thousand two hundred dollars.

Hampshire. For the salary of the register of probate and insolvency for the county of Hampshire, one thousand four hundred dollars.

Franklin. For the salary of the register of probate and insolvency for the county of Franklin, one thousand four hundred dollars.

Barnstable. For the salary of the register of probate and insolvency for the county of Barnstable, one thousand dollars.

Nantucket. For the salary of the register of probate and insolvency for the county of Nantucket, six hundred dollars.

Dukes County. For the salary of the register of probate and insolvency for the county of Dukes County, six hundred dollars.

Assistant register — Suffolk. For the salary of the assistant register of probate and insolvency for the county of Suffolk, one thousand five hundred dollars.

For the salary of the assistant register of probate and insolvency for the county of Middlesex, one thousand five hundred dollars. Middlesex.

For the salary of the assistant register of probate and insolvency for the county of Worcester, one thousand five hundred dollars. Worcester.

For the salary of the assistant register of probate and insolvency for the county of Essex, one thousand five hundred dollars. Essex.

For the salary of the assistant register of probate and insolvency for the county of Norfolk, one thousand one hundred dollars. Norfolk.

For expenses of the courts of insolvency, a sum not exceeding two thousand dollars. Expenses.

DISTRICT ATTORNEYS.

For the salary of the district attorney for Suffolk district, four thousand five hundred dollars. District attorney — Suffolk.

For the salary of the first assistant district attorney for Suffolk district, two thousand four hundred dollars. First assistant.

For the salary of the second assistant district attorney for Suffolk district, two thousand dollars. Second assistant.

For the salary of the clerk for the district attorney for the Suffolk district, one thousand dollars. Clerk.

For the salary of the district attorney for the northern district, one thousand six hundred dollars. District attorney — Northern district.

For the salary of the district attorney for the eastern district, one thousand six hundred dollars. Eastern district.

For the salary of the district attorney for the south-eastern district, one thousand six hundred dollars. South-eastern district.

For the salary of the district attorney for the southern district, one thousand six hundred dollars. Southern district.

For the salary of the district attorney for the middle district, one thousand six hundred dollars. Middle district.

For the salary of the district attorney for the western district, one thousand six hundred dollars. Western district.

For the salary of the district attorney for the north-western district, one thousand two hundred dollars. North-western district.

For the salary of the clerk to the register of probate and insolvency of the county of Suffolk, one thousand two hundred dollars. Clerk — Suffolk.

For such clerical assistance as the register of probate and insolvency for the county of Bristol may deem necessary, a sum not exceeding six hundred dollars. Clerical assistance — Bristol.

SECTION 2. This act shall take effect upon its passage.

Approved January 31, 1881.

Chap. 4 **AN ACT MAKING APPROPRIATIONS FOR SUNDRY CHARITABLE EXPENSES.**

Be it enacted, etc., as follows:

Appropriations. **SECTION 1.** The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the Commonwealth, from the ordinary revenue, for the purposes specified herein, to wit:—

STATE BOARD OF HEALTH, LUNACY AND CHARITY.

Expenses of board.

For travelling and other necessary expenses of the board of health, lunacy and charity, a sum not exceeding one thousand two hundred dollars.

DEPARTMENT OF HEALTH.

Health officers.

For the salary of the health officer in the department of health, two thousand five hundred dollars.

Clerical assistance

For such clerical assistance as the health officer may deem necessary in the department of health, eight hundred dollars.

Expenses of department.

For general work of the department of health, including chemical analyses, sanitary investigations and reports, and travelling expenses for inspections, a sum not exceeding five thousand dollars.

INSPECTOR OF CHARITIES.

Inspector.

For the salary of the inspector of charities, two thousand five hundred dollars.

Clerical assistance.

For such clerical assistance as the inspector of charities may deem necessary, a sum not exceeding four thousand two hundred dollars.

For incidental and contingent expenses in the department of the inspector, the same to include expenses incurred in the inspection of public institutions, a sum not exceeding one thousand three hundred dollars.

SUPERINTENDENT OF IN-DOOR POOR.

Superintendent in-door poor.

For the salary of the superintendent of in-door poor, two thousand five hundred dollars.

Assistant.

For the salary of the assistant to the superintendent of in-door poor, one thousand five hundred dollars.

Bureau of visitation.

For the salary of the assistant in the bureau of visitation, one thousand five hundred dollars.

Clerical assistance.

For such additional clerical assistance, including services of visitors, as the superintendent of in-door poor, with the

approval of the board of health, lunacy and charity, may deem necessary, a sum not exceeding eleven thousand five hundred dollars.

For travelling and contingent expenses of the department of the superintendent of in-door poor, a sum not exceeding five thousand five hundred dollars.

Travelling and
contingent
expenses.

SUPERINTENDENT OF OUT-DOOR POOR.

For the salary of the superintendent of out-door poor, two thousand five hundred dollars.

Superintendent
out-door poor.

For the salary of the clerk of the superintendent of out-door poor, one thousand five hundred dollars.

Clerk.

For such other clerical assistance, including visitors, as the superintendent of out-door poor, with the approval of the board of health, lunacy and charity, may deem necessary, a sum not exceeding eight thousand six hundred dollars.

Clerical
assistance.

For travelling and incidental and contingent expenses of the superintendent of out-door poor, a sum not exceeding two thousand four hundred dollars.

Expenses of
travel, etc.

For the support and relief of state paupers in the lunatic hospitals and asylums of the Commonwealth, a sum not exceeding one hundred and twenty thousand dollars.

State paupers
in lunatic
hospitals.

For the transportation of state paupers to the state almshouse, six hundred dollars.

Transportation
to almshouse.

For the transportation of state paupers, a sum not exceeding ten thousand dollars.

Transportation.

For expenses attending the management of cases of settlement and bastardy, and in connection with complaints of, or in behalf of, persons confined as lunatics, a sum not exceeding two thousand dollars.

Cases of settle-
ment, bastardy,
etc.

For the re-imbursement of the Massachusetts Infant Asylum for the support of infants having no known settlement in the Commonwealth, a sum not exceeding fifteen thousand dollars.

Infant asylum.

For the support of state paupers by cities and towns, a sum not exceeding twenty-five thousand dollars.

State paupers,
support by
towns.

For the burial of state paupers, by cities and towns, a sum not exceeding six thousand dollars.

Burial.

For the temporary support of state paupers, by cities and towns, a sum not exceeding fourteen thousand dollars; and if at any time it shall be found necessary, a sum not exceeding one thousand dollars may be advanced on account of the support and transportation of outside foundlings, and other state paupers: *provided*, a detailed report

Temporary
support.

Transportation
of foundlings.

of such expenditures shall be rendered to the auditor of accounts whenever required.

Johonnot annuities.

For annuities due from the Commonwealth, incurred by the acceptance of the bequests of the late Martha Johonnot, a sum not exceeding one thousand three hundred dollars.

Cases of suffering where provisions of law are insufficient.

The sum of two thousand dollars is hereby re-appropriated from the unexpended balance for the temporary support of paupers for the year eighteen hundred and eighty, from which aid may be given by the state board of health, lunacy and charity in extraordinary cases of suffering, where the provisions made by existing laws are, in their judgment, insufficient.

Foundlings.

For support and transportation of outside foundlings, a sum not exceeding five thousand dollars.

Dangerous diseases.

For expenses incurred in connection with small pox, and other diseases dangerous to the public health, a sum not exceeding one thousand dollars.

Indian state paupers.

For the support of Indian state paupers, a sum not exceeding five hundred dollars.

Idiotic and feeble-minded youth.

For the Massachusetts School for Idiotic and Feeble-Minded Youth, a sum not exceeding seventeen thousand five hundred dollars.

Auxiliary visitors.

For travelling and necessary expenses of the auxiliary visitors of the board of health, lunacy and charity, a sum not exceeding one thousand dollars.

Annuities.

For other annuities authorized by the legislature, a sum not exceeding two thousand one hundred and fifty-nine dollars and fifty cents.

Pensions.

For pensions, a sum not exceeding six hundred and twenty dollars.

Medical examinations and inquests.

For expenses incurred in connection with medical examinations and inquests, a sum not exceeding two thousand dollars.

SECTION 2. This act shall take effect upon its passage.

Approved January 31, 1881.

Chap. 5

AN ACT TO CHANGE THE NAME OF THE GLOBE RUBBER COMPANY.

Be it enacted, etc., as follows:

Name changed.

SECTION 1. The name of the Globe Rubber Company, incorporated in the year eighteen hundred and eighty, is hereby changed to the Prushan Rubber Company.

SECTION 2. This act shall take effect upon its passage.

Approved February 4, 1881.

AN ACT IN ADDITION TO AN ACT TO SUPPLY THE TOWN OF CLINTON WITH PURE WATER.

Chap. 6

Be it enacted, etc., as follows:

SECTION 1. Chapter ninety-eight of the acts of the year eighteen hundred and seventy-six, being An Act to supply the town of Clinton with pure water, is hereby revived and continued in force, and the time for the acceptance of the same by the town is extended for a term of three years from the passage of this act.

Clinton to be supplied with water.

SECTION 2. This act shall take effect upon its passage.

Approved February 4, 1881.

AN ACT RELATIVE TO THE ASSESSMENT OF DAMAGES FOR LANDS TAKEN FOR PUBLIC USES.

Chap. 7

Be it enacted, etc., as follows:

SECTION 1. When an award is made by county commissioners upon an application to assess damages for land or for any interest in land taken under authority of law by any party or tribunal other than the county commissioners themselves, and the party liable to pay such damages is dissatisfied with the award, he shall have the same right to have the matter determined by a jury as the party to whom said damages are payable.

Party liable to pay damages may have the matter determined by a jury.

SECTION 2. This act shall take effect upon its passage.

Approved February 9, 1881.

AN ACT IN RELATION TO HARBOR MASTERS.

Chap. 8

Be it enacted, etc., as follows:

SECTION 1. A harbor master, for whose appointment there is no existing provision of law, may be appointed for any harbor in the Commonwealth by the mayor and aldermen of the city or by the selectmen of the town in which such harbor is situate, who shall fix the compensation of such harbor master to be paid by said city or town. The harbor master so appointed shall continue in office until his successor is appointed.

Harbor masters may be appointed.

SECTION 2. All vessels entering any harbor for which such harbor master is appointed shall be anchored according to his direction.

Vessel to be anchored as harbor master directs.

SECTION 3. Every vessel, before unloading lumber in the stream or channel of any harbor having a harbor master, shall obtain a permit from said harbor master, designating where such lumber may be rafted to avoid obstructing the channel or hindering the movements of other vessels.

To obtain permit before unloading.

To brace yards
when directed.

SECTION 4. Every vessel lying in any harbor or at any wharf or pier in the same shall, when directed by the harbor master thereof, cockbill the lower yards, brace the topsail yards fore and aft, and rig in the jib-boom.

To be moved in
harbor accord-
ing to directions
of harbor mas-
ter.

SECTION 5. The harbor master of any harbor may cause to be moved any vessel lying in the same and not anchored according to his directions, and not moving when directed by him so to do, and the expense thereof shall be paid by the master or owners of such vessel; and in case of neglect or refusal to pay after the same shall have been demanded, said expense may be recovered of said master or owners by said harbor master to the use of the city or town in which said harbor is situate, in an action of contract.

Ballast, etc., not
to be deposited
in harbors.

SECTION 6. No person shall throw or deposit in any harbor any stones, gravel, ballast, cinders, ashes, dirt, mud or other substance, which may in any way tend to injure the navigation thereof.

Warps and
lines.

SECTION 7. No warp or line shall be passed across any channel or dock so as to obstruct vessels passing along the same.

Vessel to
change berth
when so
directed.

SECTION 8. If any vessel occupying a berth at any wharf or pier, either with or without the consent of the wharfinger thereof, shall fail to vacate such berth upon notice from such wharfinger or his agent to the master or those having such vessel in charge for the time being, in a reasonable time, to be adjudged by the harbor master, the harbor master shall then cause such vessel to be moved to some other berth or anchored in the stream, and the expense thereof may be collected of the master or owners thereof, by the harbor master, to the use of the city or town in which said harbor is situate, in an action of contract.

To be stationed
in stream as
harbor master
may order.

SECTION 9. Harbor masters shall have authority in their respective harbors to regulate and station all vessels in the stream or channels thereof, and to remove such as are not employed in receiving or discharging their cargoes, to make room for such others as require to be more immediately accommodated for the purpose of receiving or discharging their cargoes; and as to the fact of their being fairly and actually employed in receiving or discharging their cargoes, the harbor master shall determine.

Penalty for
disobedience of
instructions.

SECTION 10. Whoever shall refuse or neglect to obey the instructions of any harbor master lawfully given, or shall resist him in the execution of his duties, shall forfeit and pay a fine not exceeding fifty dollars.

SECTION 11. Harbor masters shall report to the harbor and land commissioners any violation of the sixth section of this act or of any law relating to tide water in their respective harbors that shall come to their knowledge.

Violations of section six to be reported to harbor and land commissioners.

SECTION 12. Any person violating the provisions of this act, in addition to any fines imposed in accordance herewith, shall be liable in an action of tort to any person suffering damage by such violation.

Liability for damages.

SECTION 13. This act shall take effect upon its passage.

Approved February 9, 1881.

AN ACT TO PREVENT THE UNAUTHORIZED USE OF THE SEALS AND BADGES OF CITIES AND TOWNS.

Chap. 9

Be it enacted, etc., as follows :

Whoever shall, unless duly authorized thereto, print, stamp, engrave or affix, or cause to be printed, stamped, engraved or affixed, to any paper or other article, a representation of the seal of any city or town in this Commonwealth, with intent to give to such paper or article an official character which it does not possess; or whoever unless duly authorized thereto shall, with intent to assume an official character which he does not possess, cast, stamp, engrave or make, or have in his possession, any badge or insignia in the similitude of any official badge or insignia of a police officer, member of the fire department or other officer appointed by any city or town in this Commonwealth, or any department of said city or town, shall be punished by a fine not exceeding fifty dollars.

Penalty for unauthorized use of badges of cities and towns.

Approved February 9, 1881.

AN ACT IN RELATION TO SENTENCES TO IMPRISONMENT BY THE MUNICIPAL COURTS OF THE CITY OF BOSTON.

Chap. 10

Be it enacted, etc., as follows :

In all cases in which the several municipal courts of the city of Boston are authorized to sentence to imprisonment in the house of correction or county jail, or to commit thereto for non-payment of fine or costs, said courts may instead, at their discretion, sentence to imprisonment in the house of industry of the city of Boston, or commit thereto.

Imprisonment, etc., in house of industry instead of jail or house of correction, in Boston.

Approved February 9, 1881.

AN ACT CONCERNING MARRIAGES IN THE SOCIETY OF FRIENDS.

Chap. 11

Be it enacted, etc., as follows :

SECTION 1. Section sixteen of chapter one hundred and six of the General Statutes is hereby amended by inserting after the word "him," in the fourth line, the words "or in the said meeting."

Marriages in the Society of Friends. Amendment to G. S. 106, § 16.

Amendment to
G. S. 106, § 20.

SECTION 2. Section twenty of said chapter is hereby amended by inserting after the word "gospel," in the second line, the words "or in the Society of Friends according to its usages," and by inserting after the word "person," in the fourth line, the words "or Society of Friends."

SECTION 3. This act shall take effect upon its passage.
Approved February 9, 1881.

Chap. 12 AN ACT TO AUTHORIZE THE PEABODY AND VICTORIA MILLS TO OPEN CERTAIN STREETS IN NEWBURYPORT FOR THE PURPOSE OF LAYING GAS PIPES.

Be it enacted, etc., as follows:

May open
streets for pur-
pose of laying
gas-pipes.

SECTION 1. Permission is hereby given to the Peabody and Victoria mills, located in Newburyport, for the purpose of manufacturing cotton goods, to open certain streets in said city which lie between their respective manufactories, for the purpose of laying a line of iron pipe for the conveyance of illuminating gas from one manufactory to the other: *provided*, that the same shall be done agreeably to the provisions mentioned in section fifty-six of chapter two hundred and twenty-four of the acts of the year eighteen hundred and seventy.

SECTION 2. This act shall take effect upon its passage.
Approved February 9, 1881.

Chap. 13 AN ACT TO AMEND CHAPTER TWO HUNDRED AND FORTY-FIVE OF THE ACTS OF THE YEAR EIGHTEEN HUNDRED AND EIGHTY CONCERNING THE FILING OF LOCATION BY THE CAPE COD CANAL COMPANY.

Be it enacted, etc., as follows:

Time for filing
location, ex-
tended.

SECTION 1. Section three of chapter two hundred and forty-five of the acts of the year eighteen hundred and eighty is hereby amended by striking out in the third line thereof the words "one year," and inserting in the place thereof the words "two years."

SECTION 2. This act shall take effect upon its passage.
Approved February 9, 1881.

Chap. 14 AN ACT TO AUTHORIZE THE OLD COLONY RAILROAD COMPANY TO TAKE LAND FOR ADDITIONAL TRACKS IN FALL RIVER.

Be it enacted, etc., as follows:

May take land
in Fall River for
railroad tracks.

SECTION 1. The Old Colony Railroad Company may construct and maintain such additional railroad track or tracks as it may think fit, on or adjoining the location of its main railroad, for any part or the whole of the distance

between Somerset Junction in the northerly part of the city of Fall River, and the station of said company at Ferry Street in Fall River, and for said purpose may purchase or take land, not exceeding two rods in width, in addition to its existing location. A location in the form provided by law shall be filed within one year from the passage of this act.

Location to be
filed within one
year.

SECTION 2. In the exercise of the powers granted by this act said Old Colony Railroad Company, and any person or corporation who shall sustain any damage in their property, shall have all the rights, privileges and remedies, and be subject to all the duties, liabilities and restrictions provided by the general laws of the Commonwealth in the like case.

Powers and
duties.

SECTION 3. This act shall take effect upon its passage.

Approved February 9, 1881.

AN ACT TO CHANGE THE TIME OF THE ANNUAL MEETING OF
THE MASSACHUSETTS COLLEGE OF PHARMACY.

Chap. 15

Be it enacted, etc., as follows:

SECTION 1. Section three of chapter ninety-three of the acts of the year eighteen hundred and fifty-two, incorporating the Massachusetts College of Pharmacy, and section one of chapter twenty-five of the acts of the year eighteen hundred and seventy-six, continuing said corporation, are amended by substituting the first Monday in June for the first Monday in March of each year as the time for holding the annual meeting.

Annual meeting
to be held on
the first Monday
in June.

SECTION 2. This act shall take effect upon its passage.

Approved February 9, 1881.

AN ACT IN FURTHER ADDITION TO AN ACT MAKING APPROPRIATIONS FOR THE MAINTENANCE OF THE GOVERNMENT DURING THE PRESENT YEAR.

Chap. 16

Be it enacted, etc., as follows:

SECTION 1. The sums hereinafter mentioned are appropriated, for the purposes specified, to be paid from the ordinary revenue, unless otherwise ordered, to meet the current expenses of the year ending on the thirty-first day of December, one thousand eight hundred and eighty-one, to wit:—

Appropriations.

LEGISLATIVE AND EXECUTIVE DEPARTMENTS.

For printing and binding ordered by the senate or house of representatives, or by concurrent order of the two branches, a sum not exceeding twenty thousand dollars.

Printing and
binding ordered
by legislature.

Senate stationery.	For stationery for the senate, purchased by the clerk of the senate, a sum not exceeding nine hundred dollars.
House stationery.	For stationery for the house of representatives, purchased by the clerk of the house of representatives, a sum not exceeding sixteen hundred dollars.
Sergeant-at-arms, stationery, etc.	For books, stationery, printing and advertising, ordered by the sergeant-at-arms for the legislature, a sum not exceeding eight hundred dollars.
Incidental expenses.	For incidental and contingent expenses of the sergeant-at-arms, a sum not exceeding three hundred dollars.
Council printing and stationery.	For postage, printing and stationery for the executive council, a sum not exceeding five hundred dollars.
Governor and council, contingent expenses.	For the contingent expenses of the governor and council, a sum not exceeding fifteen hundred dollars.
Executive department, expenses.	For the contingent expenses of the executive department, as authorized by chapter two hundred and eight of the acts of the year eighteen hundred and seventy-nine, three thousand dollars.
Printing, postage, etc.	For postage, printing and stationery of the executive department, a sum not exceeding eight hundred dollars.

STATE HOUSE EXPENSES.

State house, fuel and lights.	For fuel and lights for the state house, a sum not exceeding four thousand dollars.
Repairs and furniture.	For repairs, improvements and furniture of the state house, a sum not exceeding five thousand dollars.
Expenses of house in Pemberton Square.	For rent, taxes and other expenses connected with house number thirty-three Pemberton Square, a sum not exceeding ten thousand dollars.

INCIDENTAL AND CONTINGENT EXPENSES.

Incidental expenses — Secretary.	For incidental expenses of the secretary's department, a sum not exceeding three thousand dollars.
Treasurer.	For incidental expenses of the treasurer's department, a sum not exceeding one thousand dollars.
Tax commissioner.	For incidental and contingent expenses of the tax commissioner's department, a sum not exceeding three thousand three hundred and fifty dollars.
Commissioner of corporations.	For incidental expenses of the commissioner of corporations, a sum not exceeding four hundred dollars.
Auditor.	For incidental expenses of the auditor's department, a sum not exceeding seven hundred dollars.
Insurance commissioner.	For incidental expenses of the insurance commissioner's department, a sum not exceeding thirty-five hundred dollars.

For compensation of experts or other agents, for rent of office, and for incidental and contingent expenses of the railroad commissioners, a sum not exceeding two thousand five hundred and thirty-five dollars.

Railroad
commissioners.

For travelling and incidental expenses of the commissioners on savings banks, the same to include expenses incurred in auditing the accounts of county officers, a sum not exceeding two thousand dollars.

Commissioners
on savings
banks.

For incidental expenses of the attorney-general's department, a sum not exceeding one thousand five hundred dollars, and for expenses of civil actions a sum not exceeding three hundred dollars.

Attorney-
general.

For the contingent expenses of the surgeon-general, a sum not exceeding five hundred dollars.

Surgeon-
general.

For the travelling expenses of the inspector and assistant inspector of gas meters, a sum not exceeding four hundred dollars, and for furnishing such additional apparatus as the inspector of gas meters may require, a sum not exceeding two hundred dollars.

Inspectors of
gas meters.

MILITARY DEPARTMENT.

For incidental expenses of the adjutant-general's department, a sum not exceeding three thousand dollars.

Adjutant
general.

For the compensation of officers and men of the volunteer militia for military duty, a sum not exceeding seventy thousand dollars.

Military duty.

For transportation of officers and men of the volunteer militia while on military duty, a sum not exceeding thirteen thousand dollars.

Transportation.

For rent of brigade and battalion headquarters and company armories, a sum not exceeding thirty-one thousand dollars.

Headquarters
and armories.

For expenses of the bureau of the quartermaster-general, a sum not exceeding five thousand dollars.

Quartermaster-
general.

For quartermasters' supplies, a sum not exceeding seven thousand dollars.

Quartermas-
ters' supplies.

For grading the camp ground of the state at Framingham, a sum not exceeding five hundred dollars.

Camp ground.

For military accounts, in connection with the volunteer militia not otherwise provided for, a sum not exceeding five thousand dollars.

Military
accounts.

For medical supplies for the use of the volunteer militia, a sum not exceeding five hundred dollars.

Medical
supplies.

For payment of bounties due to Massachusetts volunteers, a sum not exceeding five hundred dollars.

Bounties to
Massachusetts
volunteers.

List of sailors
and marines.

In resolve, chapter eight of the year eighteen hundred and eighty, entitled "Resolve to amend chapter fifteen of the resolves of the year eighteen hundred and seventy-five, authorizing the publication of a list of Massachusetts officers, sailors and marines, who served in the navy in the late civil war," a sum not exceeding one thousand dollars.

Proceeds of
sale of grass at
camp ground.

Any sums of money received under the provisions of section eighty-six of chapter two hundred and sixty-five of the acts of the year eighteen hundred and seventy-eight, and from the sale of grass at the state camp ground, may be expended by the quartermaster-general, under the direction of the governor and council, for the purchase of other military supplies, and for the care and improvement of said ground.

Re-imbursement
for aid to
soldiers, etc.

For the re-imbursement of cities and towns for money paid on account of state and military aid to Massachusetts volunteers and their families, a sum not exceeding four hundred and twenty thousand dollars, the same to be payable on or before the first day of December of the present year.

AGRICULTURAL.

Bounties to
societies.

For bounties to agricultural societies, a sum not exceeding sixteen thousand eight hundred dollars.

Expenses of
boards.

For personal expenses of the members of the board of agriculture, a sum not exceeding fifteen hundred dollars.

Travelling
expenses of
secretary.

For the travelling expenses of the secretary of the board of agriculture, and all postages and necessary expenses, a sum not exceeding five hundred dollars.

Incidental
expenses.

For other incidental expenses of the board of agriculture, a sum not exceeding three hundred dollars.

Commercial
fertilizers.

The fees received under section two of chapter two hundred and six of the acts of the year eighteen hundred and seventy-four, entitled "An Act concerning commercial fertilizers," are hereby appropriated to be used in accordance with the provisions of section five of the same act.

PRINTING AND BINDING, ETC.

Printing and
binding public
documents.

For printing and binding the public series of documents, under the direction of the secretary of the Commonwealth, a sum not exceeding thirty thousand dollars.

Pamphlet edi-
tion of the laws.

For printing the pamphlet edition of the acts and resolves of the present year, for distribution in the Commonwealth, a sum not exceeding three thousand dollars.

"Blue Book"
edition of the
laws.

For printing and binding the "blue book" edition of the acts and resolves of the present year, with the govern-

or's message and other matters in the usual form, a sum not exceeding two thousand dollars.

For the newspaper publication of the general laws, and all information intended for the public, a sum not exceeding five hundred dollars.

Newspaper
publication
of laws.

For assessors' books and registration blanks, a sum not exceeding one thousand five hundred dollars.

Assessors'
books and regis-
tration blanks.

For the preparation for publication, and the publication of the provincial statutes, a sum not exceeding five thousand dollars.

Provincial
statutes.

For term reports, a sum not exceeding one thousand six hundred dollars.

Term reports.

MISCELLANEOUS.

For expenses incurred in the construction and repair of roads in the town of Mashpee during the year eighteen hundred and eighty, three hundred dollars.

Roads in
Mashpee.

To the sheriffs of the different counties, for distributing proclamations, blanks, and making return of votes, a sum not exceeding five hundred dollars.

Sheriffs.

For weights, measures, balances, and reports for sundry newly incorporated towns, a sum not exceeding one thousand two hundred dollars.

Weights and
measures.

For expenses attending the consolidation and arrangement of the general statutes, a sum not exceeding fifteen thousand dollars.

Consolidation of
the general
statutes.

For postage, printing and other necessary expense in carrying out the provisions of the state and military aid laws, a sum not exceeding five hundred dollars.

State and
military aid.

For editing the registration report, under the direction of the secretary of the Commonwealth, a sum not exceeding five hundred dollars.

Editing regis-
tration report.

SECTION 2. This act shall take effect upon its passage.

Approved February 16, 1881.

AN ACT MAKING APPROPRIATIONS FOR CERTAIN EDUCATIONAL EXPENSES.

Chap. 17

Be it enacted, etc., as follows:

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the Commonwealth, unless otherwise ordered, from the ordinary reveue, for the purposes specified, to wit: —

Appropriations.

For the support of normal schools, a sum not exceeding fifty-nine thousand nine hundred dollars, to be paid out of the moiety of the income of the school fund applicable to educational purposes.

Normal schools.

State normal
art school.

For the support of the state normal art school, the same to include rent, taxes, etc., a sum not exceeding seventeen thousand dollars, to be paid from the unappropriated balance of the moiety of the income of the school fund applicable to educational purposes, and the excess, if any, from the treasury.

Board of
education —
Agents.

For the salaries and expenses of the agents of the board of education, a sum not exceeding fifty-four hundred dollars.

Incidental
expenses.

For incidental expenses of the board of education, and for the secretary thereof, a sum not exceeding one thousand two hundred dollars.

Teachers'
institutes.

For teachers' institutes, a sum not exceeding two thousand dollars, to be paid out of the moiety of the income of the school fund applicable to educational purposes.

County teachers'
associations.

For county teachers' associations, a sum not exceeding three hundred dollars, to be paid out of the moiety of the income of the school fund applicable to educational purposes.

Aid to pupils in
normal schools.

For aid to pupils in state normal schools, a sum not exceeding four thousand dollars, payable in semi-annual payments, to be expended under the direction of the board of education.

Travelling
expenses.

For travelling and other necessary expenses of the members of the board of education, a sum not exceeding four hundred dollars.

Massachusetts
teachers'
association.

For the Massachusetts teachers' association, the sum of three hundred dollars, the said amount to be paid out of the moiety of the income of the school fund applicable to educational purposes, subject to the approval of the state board of education.

Blind asylum.

For the Perkins institution and the Massachusetts school for the blind, the sum of thirty thousand dollars.

State library.

For the contingent expenses of the state library, to be expended under the direction of the trustees and librarian, a sum not exceeding eight hundred dollars.

Deaf mutes.

For the support of Massachusetts beneficiaries in asylums for the deaf and dumb, and in other institutions of the same character, a sum not exceeding forty thousand dollars.

Income from
certain funds.

The income of the Rogers book fund, of the Todd normal school fund, and of the agricultural college fund, shall be expended in accordance with the provisions of the various acts relating thereto.

SECTION 2. This act shall take effect upon its passage.
Approved February 16, 1881.

AN ACT MAKING APPROPRIATIONS FOR EXPENSES OF THE VARIOUS
CHARITABLE AND REFORMATORY INSTITUTIONS, AND FOR OTHER
PURPOSES.

Chap. 18

Be it enacted, etc., as follows :

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the Commonwealth, from the ordinary revenue, unless otherwise ordered, for the purpose of meeting the current expenses of the institutions hereinafter named, and for other purposes, during the year eighteen hundred and eighty-one, to wit : —

Appropriations.

For the payment of salaries at the state almshouse at Tewksbury, a sum not exceeding nineteen thousand dollars ; and for other current expenses of said institution, a sum not exceeding sixty-six thousand dollars.

State almshouse
at Tewksbury.

For the payment of salaries at the state primary school at Monson, a sum not exceeding seventeen thousand dollars ; and for other current expenses of said institution, a sum not exceeding thirty-three thousand dollars.

State primary
school at
Monson.

For the payment of salaries at the state prison, a sum not exceeding fifty thousand dollars ; and for other current expenses of said institution, a sum not exceeding seventy-five thousand dollars.

State prison.

For the payment of salaries at the reformatory prison for women, a sum not exceeding twenty-five thousand dollars ; and for other current expenses of said institution, a sum not exceeding fifty-three thousand nine hundred dollars.

Reformatory
prison for
women.

For the payment of salaries at the state reform school for boys, a sum not exceeding sixteen thousand seven hundred and fifty dollars ; and for other current expenses of said institution, a sum not exceeding twenty-three thousand two hundred and fifty dollars.

Reform school
for boys.

For the payment of salaries at the state industrial school for girls, a sum not exceeding six thousand five hundred dollars ; and for other current expenses of said institution, a sum not exceeding eleven thousand five hundred dollars, and for improvement of farm, a sum not exceeding five hundred dollars, and for the purchase of land to regulate line, the sum of thirty-five dollars.

Industrial
school for girls.

For the payment of salaries at the state workhouse at Bridgewater, a sum not exceeding eleven thousand dollars ; and for other current expenses of said institution, a sum not exceeding twenty-nine thousand dollars.

State work-
house at Bridge-
water.

For the contingent expenses of the commissioners of prisons, a sum not exceeding eight hundred dollars, the same to include printing blanks and binding.

Commissioners
of prisons,
contingent
expenses.

Travelling expenses.	For travelling expenses of the commissioners of prisons, and of the secretary thereof, a sum not exceeding eight hundred dollars.
Support of prisoners, etc.	For the payment of the cost of supporting prisoners removed from the reformatory prison for women, a sum not exceeding eight hundred dollars.
Removing prisoners.	For expenses incurred in removing prisoners from the reformatory prison for women, a sum not exceeding three hundred dollars.
Discharged female prisoners.	For aiding female prisoners discharged from jails and houses of correction, a sum not exceeding two hundred dollars.
Aid for discharged convicts.	For the salary of the agent for aiding discharged convicts, one thousand dollars; for the expenses of said agent, a sum not exceeding three thousand dollars.
District police.	For the salary of the chief of the district police force, a sum not exceeding one thousand seven hundred dollars. For the compensation of the district police force, a sum not exceeding eighteen thousand dollars. For travelling expenses actually paid by members of said force, a sum not exceeding nine thousand dollars; and for incidental and contingent expenses, a sum not exceeding two thousand dollars.
Fugitives from justice.	For expenses incurred in the arrest of fugitives from justice, a sum not exceeding three thousand dollars.
Travelling expenses of trustees.	For travelling and other necessary expenses of the trustees of the state primary, reform and industrial schools, a sum not exceeding one thousand dollars.

SECTION 2. This act shall take effect upon its passage.

Approved February 16, 1881.

Chap. 19 AN ACT TO AMEND THE CERTIFICATE OF INCORPORATION OF THE SUPREME COUNCIL OF THE HOME CIRCLE.

Be it enacted, etc., as follows:

Charter amended. SECTION 1. The certificate of incorporation of the Supreme Council of the Home Circle, dated the thirteenth day of January eighteen hundred and eighty, is hereby amended so that the purpose therein expressed shall read as follows:—“For the purpose of organizing and uniting in fraternal union all acceptable members of the order known as the Royal Arcanum, their friends, wives, mothers, sisters and daughters; to aid and assist its members and educate them socially, morally and intellectually; to establish a benefit fund from which, on the satisfactory evidence of the death of a member, who has complied with

its lawful requirements, a sum not exceeding five thousand dollars shall be paid to the family, orphans, or dependents, as the member shall have directed."

SECTION 2. This act shall take effect upon its passage.

Approved February 16, 1881.

AN ACT TO CHANGE THE NAME OF THE FARMER AND GARDNER MANUFACTURING COMPANY. *Chap. 20*

Be it enacted, etc., as follows:

The Farmer and Gardner Manufacturing Company, a corporation established in Springfield under the general laws, shall be known as the Springfield Sewing Machine Company on and after the first day of March in the year eighteen hundred and eighty-one, at which date this act shall take effect.

Name changed.

Approved February 16, 1881.

AN ACT AUTHORIZING THE TOWN OF SWAMPSCOTT TO PAY A CERTAIN CLAIM TO JOHN P. PALMER. *Chap. 21*

Be it enacted, etc., as follows:

SECTION 1. The inhabitants of the town of Swampscott are hereby authorized and empowered to pay the claim of John P. Palmer against said inhabitants for money disbursed in providing recruits to fill the quota of said town in the year eighteen hundred and sixty-four, in accordance with the vote of the said town passed March eighteenth, eighteen hundred and eighty: *provided*, that at a legal meeting of said town, to be hereafter called, a majority shall vote to pay the same.

Town may pay claim of John P. Palmer.

SECTION 2. This act shall take effect upon its passage.

Approved February 16, 1881.

AN ACT IN RELATION TO HOLDING FUNDS CONTRIBUTED FOR THE RELIEF OF MEMBERS OF THE BOSTON PROTECTIVE DEPARTMENT AND THEIR FAMILIES. *Chap. 22*

Be it enacted, etc., as follows:

SECTION 1. The provisions of section four of chapter one hundred and seven of the acts of the year eighteen hundred and eighty, being "An Act in relation to pensioning disabled members of the fire department of the city of Boston and for other purposes," shall be held to apply to the members of the Boston Protective Department in the same manner and to the same extent as to the members of the fire department.

Disabled members of department may be pensioned.

SECTION 2. This act shall take effect upon its passage.

Approved February 16, 1881.

- Chap. 23** AN ACT TO AMEND CHAPTER SEVENTY-NINE OF THE ACTS OF THE YEAR EIGHTEEN HUNDRED AND SEVENTY-NINE, RELATING TO THE COMPENSATION OF EMPLOYÉS IN THE SECRETARY'S DEPARTMENT, AND FOR OTHER PURPOSES.

Be it enacted, etc., as follows :

Allowance for clerk-hire and messenger.

SECTION 1. Section two of chapter seventy-nine of the acts of the year eighteen hundred and seventy-nine, relating to the compensation of clerks and messenger in the secretary's department, is hereby amended by striking out the word "eight" before the word "thousand," and inserting the word "ten," in place thereof.

Repeal of Resolves 1877, 57; 1878, 11.

SECTION 2. Chapter fifty-seven of the resolves of the year eighteen hundred and seventy-seven, and chapter eleven of the resolves of the year eighteen hundred and seventy-eight, are hereby repealed.

SECTION 3. This act shall take effect upon its passage.

Approved February 16, 1881.

- Chap. 24** AN ACT TO AUTHORIZE THE HAMILTON MANUFACTURING COMPANY TO INCREASE ITS CAPITAL STOCK.

Be it enacted, etc., as follows :

May increase capital stock.

SECTION 1. The Hamilton Manufacturing Company in the city of Lowell is hereby authorized to increase its capital stock to an amount not exceeding eighteen hundred thousand dollars, and to invest such portions thereof in real and personal estate as may be necessary and convenient for carrying on its business.

SECTION 2. This act shall take effect upon its passage.

Approved February 18, 1881.

- Chap. 25** AN ACT TO AMEND SECTION TWO OF CHAPTER ONE HUNDRED AND SEVENTY OF THE ACTS OF THE YEAR EIGHTEEN HUNDRED AND SIXTY-SIX, CONCERNING NEGLECT OR REFUSAL OF ASSESSORS TO PERFORM THE DUTIES THEREIN SET FORTH.

Be it enacted, etc., as follows :

Penalty on assessors for neglect to comply with 1866, 170.

SECTION 1. Section two of chapter one hundred and seventy of the acts passed by the general court of Massachusetts in the year eighteen hundred and sixty-six, is hereby amended by adding thereto the following: — Any person who shall neglect or refuse to perform any of the duties imposed upon him by any of the provisions of this act, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall for each offence be punished by a fine of not less than fifty nor more than two hundred dollars.

SECTION 2. This act shall take effect upon its passage.

Approved February 23, 1881.

AN ACT TO AMEND CHAPTER TWO HUNDRED AND FIFTY-TWO OF
THE ACTS OF THE YEAR EIGHTEEN HUNDRED AND SEVENTY-NINE
ENTITLED "AN ACT FOR THE BENEFIT OF INDIGENT SOLDIERS
AND SAILORS." *Chap. 26*

Be it enacted, etc., as follows :

SECTION 1. Any person who may be debarred from receiving state aid under chapter two hundred and fifty-two of the acts of the year eighteen hundred and seventy-nine, by reason of having no settlement under the pauper laws, but who shall have served in the army or navy of the United States as a part of the quota at large of this Commonwealth and shall have been honorably discharged from such service and shall have resided in this state for one year prior to the date of his application for aid under this act, may be allowed such state aid by the city or town in which such person resides, in the manner provided by said chapter.

State aid for
indigent soldiers
and sailors.
1879, 252.

SECTION 2. The full sums expended by cities or towns under this act shall be re-imbursed from the treasury of the Commonwealth to such cities or towns under the same regulations as to proof and reports as are required for other payments of state aid.

Re-imbursement
to cities and
towns.

Approved February 23, 1881.

AN ACT TO REPEAL CERTAIN STATUTES RELATING TO THE PROVING
OF FIREARMS. *Chap. 27*

Be it enacted, etc., as follows :

Sections twenty-seven, twenty-eight, twenty-nine, thirty, thirty-one and thirty-two of chapter forty-nine of the General Statutes are hereby repealed.

Repeal of G. S.
49, §§ 27-32.

Approved February 23, 1881.

AN ACT TO AMEND SECTION ONE OF CHAPTER ONE HUNDRED AND
FOUR OF THE ACTS OF THE YEAR EIGHTEEN HUNDRED AND
SEVENTY-SIX, RELATING TO CERTAIN RETURNS TO THE COMMISSIONERS ON INLAND FISHERIES. *Chap. 28*

Be it enacted, etc., as follows :

SECTION 1. Section one of chapter one hundred and four of the acts of the year eighteen hundred and seventy-six is hereby amended by striking out the word "first," before the word "day," in the sixth line in said section, and inserting the word "twentieth."

Reports to be
made to com-
missioners on
or before Oct. 20.

SECTION 2. This act shall take effect upon its passage.

Approved February 23, 1881.

Chap. 29 AN ACT TO AUTHORIZE THE HOME FOR AGED MEN TO HOLD
ADDITIONAL REAL AND PERSONAL ESTATE.

Be it enacted, etc., as follows:

Additional real
and personal
estate.

SECTION 1. The Home for Aged Men is authorized to hold real and personal estate for the purposes named in its act of incorporation, chapter one hundred and fifty-three of the acts of the year eighteen hundred and sixty, to an amount not exceeding in the whole five hundred thousand dollars.

SECTION 2. This act shall take effect upon its passage.

Approved February 23, 1881.

Chap. 30 AN ACT TO CHANGE THE NAME OF THE ALDEN EMERY COMPANY.

Be it enacted, etc., as follows:

Name changed.

The Alden Emery Company, a corporation chartered in this Commonwealth, shall be known as the Walpole Emery Mills, on and after March first in the year of our Lord eighteen hundred and eighty-one; and this act shall take effect upon that date.

Approved February 23, 1881.

Chap. 31 AN ACT TO CHANGE THE NAME OF THE HOLMES HOLE UNION
WHARF COMPANY.

Be it enacted, etc., as follows:

Name changed.

The Holmes Hole Union Wharf Company, a corporation chartered in this Commonwealth, shall be known as the Vineyard Haven Wharf Company after the fifteenth day of March in the year of our Lord eighteen hundred and eighty-one; and this act shall take effect upon that date.

Approved February 23, 1881.

Chap. 32 AN ACT TO AMEND "AN ACT TO INCORPORATE THE NINE-MILE
POND FISHING COMPANY."

Be it enacted, etc., as follows:

Amendment to
1860, c. 91, § 2.
Rights of ripa-
rian owners.

SECTION 1. Chapter ninety-one of the acts of the year one thousand eight hundred and sixty, entitled "An Act to incorporate the Nine-Mile Pond Fishing Company," is amended in the sixth line of section two by inserting after the word "outlet," the words "or the stream leading from said outlet to the sea."

SECTION 2. The rights of riparian owners shall not be affected by this act.

SECTION 3. This act shall take effect upon its passage.

Approved February 23, 1881.

AN ACT TO AMEND CHAPTER SIXTY-FOUR OF THE ACTS OF THE YEAR EIGHTEEN HUNDRED AND EIGHTY, GIVING PROBATE COURTS JURISDICTION OF RIGHTS OF HUSBANDS AND WIVES, AND FOR THE PROTECTION OF MINOR CHILDREN. *Chap. 33*

Be it enacted, etc., as follows :

SECTION 1. The first section of chapter sixty-four of the acts of the year eighteen hundred and eighty is amended by inserting after the word "children," in the sixth line, the words "and chapter one hundred and ninety-nine of the acts of the year eighteen hundred and seventy-eight, entitled 'An Act concerning the support of married women who are insane,'" and by adding at the end of said section, the words "when the petitioner has left the county in which the parties have lived together, the adverse party still living therein, the petition shall be heard and determined in the court for that county; in other cases the petition shall be heard and determined in the court for the county in which the parties or one of them live."

Exclusive original jurisdiction of cases concerning the support of insane married women.

SECTION 2. This act shall take effect upon its passage.

Approved February 25, 1881.

AN ACT RELATIVE TO THE RELEASE ON PROBATION OF PERSONS IMPRISONED IN THE HOUSE OF INDUSTRY, AND GIVING CERTAIN POWERS TO THE BOARD OF DIRECTORS FOR PUBLIC INSTITUTIONS OF THE CITY OF BOSTON. *Chap. 34*

Be it enacted, etc., as follows :

SECTION 1. The provisions of sections six and ten of chapter one hundred and twenty-nine of the acts of the year eighteen hundred and eighty, relating to the powers and duties of probation officers and the release of prisoners on probation, are hereby extended to persons imprisoned in the house of industry in the city of Boston.

Prisoners may be released on recommendation of probation officers.

SECTION 2. The powers conferred upon county commissioners by said act may be exercised in the county of Suffolk by the board of directors for public institutions of the city of Boston.

Powers conferred upon directors for public institutions.

SECTION 3. This act shall take effect upon its passage.

Approved February 25, 1881.

AN ACT TO INCORPORATE THE MASSACHUSETTS FISH EXCHANGE. *Chap. 35*

Be it enacted, etc., as follows :

SECTION 1. Augustus Winsor, Franklin B. Rogers, Paran H. Prior, Freeman Emery and Moses W. Haskins, and their associates, may associate themselves and organ-

Corporators.

Name and
purpose.

ize a corporation according to the provisions of chapter two hundred and twenty-four of the acts of the year eighteen hundred and seventy, and the acts in amendment thereof, and in addition thereto, to be known as the Massachusetts Fish Exchange, for the purpose of buying, owning, leasing and holding real estate, wharf and dock property, to be used in facilitating the catching, curing, buying and selling of fish in all its varieties.

SECTION 2. This act shall take effect upon its passage.

Approved February 25, 1881.

Chap. 36 AN ACT TO CONFIRM CERTAIN ACTS DONE BY MATTHEW J. MCCAF-
FERTY AS A JUSTICE OF THE PEACE.

Be it enacted, etc., as follows:

Acts as a justice
of the peace,
confirmed.

SECTION 1. All acts done by Matthew James McCafferty, as a justice of the peace within and for the county of Worcester, between April thirtieth in the year eighteen hundred and seventy-nine and the seventh day of September in the year eighteen hundred and eighty, are hereby made valid and confirmed to the same extent as they would have been valid had he been during that interval duly qualified to discharge the duties of said office.

SECTION 2. This act shall take effect upon its passage.

Approved February 25, 1881.

Chap. 37 AN ACT TO AUTHORIZE THE TOWN OF BROCKTON TO ISSUE ADDI-
TIONAL WATER SCRIP, AND TO LIMIT THE AMOUNT THEREOF.

Be it enacted, etc., as follows:

Brockton water
loan may be
increased.

SECTION 1. The town of Brockton, for the purposes mentioned in section four of chapter one hundred and twenty-four of the acts of the year eighteen hundred and seventy-eight, may issue notes, bonds or scrip from time to time, signed by the treasurer and countersigned by the chairman of the selectmen, to be denominated on the face thereof "Brockton Water Loan," to an amount not exceeding fifty thousand dollars, in addition to the amount therein authorized, to be issued upon like terms and conditions, and with like powers in all respects, as are provided in said act for the issue of securities of "Brockton Water Loan" by said town: *provided*, that the whole amount of such water notes, bonds or scrip, issued by said town under the authority given by this act and by all other acts, shall not in any event exceed the amount of one hundred and seventy thousand dollars.

SECTION 2. This act shall take effect if accepted within one year from the date of its passage by a vote of two-thirds of the legal voters of said town present and voting thereon at a legal meeting called for that purpose.

Approved February 25, 1881.

AN ACT MAKING ADDITIONAL APPROPRIATIONS FOR CERTAIN EXPENSES AUTHORIZED IN THE YEAR EIGHTEEN HUNDRED AND EIGHTY.

Chap. 38

Be it enacted, etc., as follows:

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the Commonwealth, from the ordinary revenue, unless otherwise ordered, for the purposes specified herein, to wit:—

Appropriations,

For incidental expenses of the secretary's department, the sum of three hundred dollars and fifty-eight cents.

Incidental expenses. Secretary.

For contingent expenses of the senate and house of representatives, the sum of one thousand three hundred and eighteen dollars and one cent.

Contingent expenses. Senate and house.

For printing and binding sundry public documents under the direction of the secretary of the Commonwealth, the sum of two thousand two hundred and sixty-nine dollars and sixty-seven cents.

Public documents.

For term reports, the sum of fifty-seven dollars and fifty cents.

Term reports,

For furnishing additional apparatus to the inspector of gas meters, the sum of forty dollars and ninety-seven cents.

Inspector of gas meters.

For the completion of the engine and boiler at the state prison at Concord, the sum of five hundred and fifty-one dollars and ninety-nine cents.

Engine at state prison.

For incidentals of the board of agriculture, the sum of fifty-two dollars.

Board of agriculture,

For travelling expenses of the secretary of the board of agriculture, the sum of forty-seven dollars and ten cents.

Travelling expenses,

For incidental and contingent expenses of the railroad commissioners, the sum of one hundred and ten dollars and two cents.

Railroad commissioners,

For the support and relief of state paupers in the lunatic hospitals and asylums of the Commonwealth, the sum of four thousand two hundred and forty-four dollars and ninety-six cents.

Lunatic state paupers.

For editing the registration report for the year eighteen hundred and eighty, under the direction of the secretary of the Commonwealth, the sum of three hundred dollars.

Registration report.

SECTION 2. This act shall take effect upon its passage.

Approved March 2, 1881.

Chap. 39 AN ACT IN RELATION TO TAKING AND SELLING, ON EXECUTION, RIGHTS OF REDEEMING LAND FROM TAX SALES.

Be it enacted, etc., as follows :

Right of redeem-
ing from tax
sales, may be
sold on execu-
tion, and such
right may be
redeemed.

SECTION 1. All rights of redeeming real estate sold for the non-payment of taxes, or other assessments, may be taken and sold on execution in the manner prescribed in relation to the sale on execution of a right of redeeming mortgaged lands; and all rights so sold may be redeemed in the manner provided in the case of a sale on execution of the right of redeeming mortgaged lands.

SECTION 2. This act shall take effect upon its passage.

Approved March 2, 1881.

Chap. 40 AN ACT TO AMEND CHAPTER TWO HUNDRED AND EIGHTEEN OF THE ACTS OF THE YEAR EIGHTEEN HUNDRED AND EIGHTY, RELATIVE TO THE RELEASE OF PRISONERS FOR GOOD CONDUCT.

Be it enacted, etc., as follows :

Prisoners in
workhouse may
be released for
good conduct.

SECTION 1. The provisions of chapter two hundred and eighteen of the acts of the year eighteen hundred and eighty shall apply to prisoners committed to the state workhouse at Bridgewater, so that said prisoners shall receive the same deductions for good behavior as is provided in said act for prisoners in other institutions.

Amendment to
1880, 218, § 1.

SECTION 2. Section one of said act is hereby amended by inserting in the thirty-first line thereof, after the word "prisons," the following words, "to the prisoners in the state workhouse at Bridgewater by the trustees of said workhouse."

Approved March 2, 1881.

Chap. 41 AN ACT IN RELATION TO JURISDICTION OF OFFENCES COMMITTED IN THE STATE PRISON.

Be it enacted, etc., as follows :

Jurisdiction of
offences com-
mitted in state
prison.

SECTION 1. The district court of Central Middlesex shall have the same jurisdiction of crimes and offences committed within the state prison which it has of the same crimes and offences committed elsewhere within the town of Concord.

SECTION 2. This act shall take effect upon its passage.

Approved March 2, 1881.

Chap. 42 AN ACT IN RELATION TO OFFICE HOURS IN THE TREASURY DEPARTMENT.

Be it enacted, etc., as follows :

Office hours in
treasury,
regulated.

SECTION 1. Chapter two hundred and thirty-six of the acts of the year eighteen hundred and seventy-nine is

hereby amended by adding at the end of the first section thereof the following words: "*provided*, that the treasury need not be kept open for the receipt and payment of money beyond the hour of three in the afternoon."

SECTION 2. This act shall take effect upon its passage.
Approved March 2, 1881.

AN ACT IN RELATION TO SUBORDINATE OFFICERS FOR THE RE-
FORMATORY PRISON FOR WOMEN.

Chap. 43

Be it enacted, etc., as follows:

SECTION 1. The superintendent of the reformatory prison for women may, with the approval of the commissioners of prisons, appoint as many matrons, assistant matrons and deputy matrons, not exceeding twenty-six in all, as the said commissioners may judge necessary for the management of said prison.

Appointment of subordinate officers.

SECTION 2. So much of section five of chapter three hundred and eighty-five of the acts of the year eighteen hundred and seventy-four as is inconsistent herewith is hereby repealed.

Inconsistent provisions repealed.
1874, 385, § 5.

SECTION 3. This act shall take effect upon its passage.
Approved March 2, 1881.

AN ACT TO REGULATE THE TAKING OF FISH IN NORTH RIVER
IN THE COUNTY OF PLYMOUTH.

Chap. 44

Be it enacted, etc., as follows:

SECTION 1. The inhabitants of the town of Pembroke are hereby permitted to take fish at the weir where they have usually caught them, on the North River, so called, or stream leading to the Indian Ponds, so called, in said town, on any secular day of the week, and at any hour of the day, and at no other time.

Inhabitants may take fish as heretofore.

SECTION 2. No person or persons shall take fish from the stream leading from said North River to the said Indian Ponds, or streams tributary to the North River, excepting at the weir above mentioned, at any time between the tenth day of April and the fifteenth day of May inclusive, of each year.

Fish not to be taken between April 10 and May 15.

SECTION 3. The selectmen or committee for the time being, of the town of Pembroke, shall, from the first running of alewives, after the tenth day of April in each year, take and deposit alive, in good condition, in Indian Ponds in said Pembroke, not less than ten thousand alewives, so they may cast their spawn in said ponds; and the expense of the same shall be borne in equal shares by the towns of Pembroke, Marshfield, Scituate and South Scituate,

Alewives to be deposited in ponds.

and said towns are hereby permitted to raise money for the same.

Rights of towns
on river to take
fish.

SECTION 4. It shall be lawful for the inhabitants of the several towns on North River to take fish on Mondays, Wednesdays and Fridays of each week, from April first to June first inclusive, of each year, with ten seines only in the manner following, to wit: The towns of South Scituate, Scituate and Pembroke shall each have the right of disposing at public auction for their own benefit, of the privilege of catching fish with two seines only, and the town of Marshfield the right of disposing at public auction for their own benefit, of the privilege of catching fish with four seines only, in the river aforesaid.

Rights of inhab-
itants of Han-
son.

SECTION 5. It shall be lawful for the inhabitants of the town of Hanson to take fish from Indian Head River on Mondays, Wednesdays and Fridays of each week, from April first to June first inclusive, of each year: *provided*, said inhabitants shall not be allowed to take fish at any time from said Indian Head River within eighty rods of the mouth of said river.

Penalties.

SECTION 6. Any person or persons who may by seine or mesh net take fish from the said North River, except such persons as have authority under this act, shall be punished for each offence by a fine not less than twenty-five nor more than one hundred dollars, or by imprisonment in the house of correction not less than one nor more than three months.

Repeal.
1872, 229.

SECTION 7. Chapter two hundred and twenty-nine of the acts of the year eighteen hundred and seventy-two, and all other acts and parts of acts inconsistent with this act, are hereby repealed.

SECTION 8. This act shall take effect upon its passage.

Approved March 2, 1881.

Chap. 45 AN ACT TO AMEND "AN ACT TO AUTHORIZE THE COUNTY COMMISSIONERS OF THE COUNTY OF ESSEX TO LAY OUT A HIGHWAY AND CONSTRUCT A BRIDGE OVER IPSWICH RIVER."

Be it enacted, etc., as follows :

May construct
bridge without
a draw.
1876, 107, § 1.

SECTION 1. Section one of chapter one hundred and seven of the acts of the year eighteen hundred and seventy-six is hereby amended by striking out after the word "bridge," in the fourth line, the words "and draw," and inserting the words "without a draw."

SECTION 2. This act shall take effect upon its passage.

Approved March 2, 1881.

AN ACT TO AMEND THE "ACT TO INCORPORATE THE LONG POND FISHING COMPANY IN YARMOUTH." *Chap. 46*

Be it enacted, etc., as follows :

SECTION 1. The act to incorporate the Long Pond Fishing Company in Yarmouth, being chapter seventy-five of the acts of the year eighteen hundred and forty-two, is hereby amended as follows :— In the first section, seventh line, after the word "alewife," insert the words "and white perch." In the second section, second line, after the word "alewives," insert the words "or white perch ;" after the word "ponds," in the third line of said section, insert the words "or Parker's River ;" after the words "so made," in said line, the words "or within five hundred yards from the mouth of said river ;" and in the fifth line of said section, strike out the word "two," and insert in lieu thereof the word "twenty ;" and in the eighth line of said section, strike out the word "five," and insert the word "fifty."

Charter
amended.
1842, 75.

SECTION 2. The rights of riparian owners shall not be affected by this act.

Riparian
owners.

SECTION 3. This act shall take effect upon its passage.

Approved March 2, 1881.

AN ACT TO AMEND THE LAW REGULATING FISHING IN CONNECTICUT RIVER AND ITS TRIBUTARIES. *Chap. 47*

Be it enacted, etc., as follows :

SECTION 1. Any person who shall take or aid or assist in taking from the Connecticut River or any of its tributaries, within the limits of this Commonwealth, any shad or alewives at any other time than between the fifteenth day of March and the first day of July in each year, shall forfeit and pay for each offence the sum of one hundred dollars.

Shad and ale-
wife fishery in
Connecticut
River.

SECTION 2. Section three of chapter seventy-six of the acts of the year eighteen hundred and sixty-nine is hereby amended by striking out the words "fifteenth day of June in each year, the meshes whereof are less than five," in the eighteenth and nineteenth lines, and inserting the words "first day of July in each year, the meshes whereof are less than two," in place thereof.

Amendment to
1869, 76, § 3.

SECTION 3. Chapter three hundred and sixty-nine of the acts of the year eighteen hundred and seventy, and all acts and parts of acts inconsistent with this act, are hereby repealed.

Repeal.
1870, 369.

SECTION 4. This act shall take effect upon its passage.

Approved March 2, 1881.

Chap. 48 AN ACT FOR THE CONSOLIDATION OF THE NANTASKET BEACH, THE HULL AND NANTASKET BEACH, AND THE BOSTON, HINGHAM AND HULL, RAILROAD COMPANIES.

Be it enacted, etc., as follows:

May consolidate and form one corporation.

SECTION 1. The Nantasket Beach Railroad Company, the Hull and Nantasket Beach Railroad Company, and the Boston, Hingham and Hull Railroad Company are hereby authorized, at such time and on such terms as may be mutually agreed upon and approved by a majority of the votes of the stockholders of each of said corporations, at meetings regularly warned for the purpose, to unite and form one corporation to be called the Nantasket Beach Railroad Company.

Powers and duties.

SECTION 2. The corporation formed as aforesaid shall have, hold, possess and enjoy all the powers, privileges, rights, franchises, property and estates which at the time of the union may be held and enjoyed by the existing corporations, and be subject to all the duties, restrictions, obligations and liabilities to which at the time of the union said corporations are subject in severalty, and all suits at law or in equity, and all proceedings before any tribunal which may be pending, to which either corporation shall be a party, may be prosecuted and defended by said consolidated corporation in like manner and with the same effect as might have been done had such union not been formed.

First meeting of corporation.

SECTION 3. The first meeting of the corporation hereby authorized shall be called by the presidents of the three corporations composing its parts, and of the time and place of said meeting seven days' notice shall be given by publication in one newspaper in Boston and one in Hingham, and at such meetings persons holding stock in either of said corporations shall be entitled to vote in like manner as they would have been if said corporations had convened separately.

Capital stock.

SECTION 4. The original capital stock of the consolidated corporation shall not exceed in amount the united capital stock of the three component corporations as at present established in accordance with law.

Privileges and franchises.

SECTION 5. The said consolidated corporation when organized shall have all the rights, powers, privileges and franchises, and be subject to all the duties, liabilities, obligations and restrictions conferred and imposed upon railroad corporations organized under the general law.

SECTION 6. This act shall take effect upon its passage.

Approved March 2, 1881.

AN ACT AUTHORIZING THE NEW HAVEN AND NORTHAMPTON
COMPANY TO ISSUE BONDS. *Chap. 49*

Be it enacted, etc., as follows :

SECTION 1. The New Haven and Northampton Company is authorized, for the purpose of paying its floating debt and completing its railroad, to issue its bonds to an amount not exceeding seven hundred thousand dollars, signed by its president, and countersigned by its treasurer, upon being thereto empowered by a majority of the votes of its stockholders at a meeting called for the purpose. Said bonds shall be for one thousand dollars each, payable not more than forty years from date, and bearing interest not exceeding six per centum per annum, payable semi-annually.

May issue
bonds, not
exceeding
\$700,000.

SECTION 2. Said New Haven and Northampton Company may secure said bonds by a mortgage of its railroad from Northampton to the Troy and Greenfield Railroad, and from South Deerfield to Turner's Falls, constructed under authority given in chapter twenty-six of the acts of the year one thousand eight hundred and eighty, together with the stations, rolling-stock, equipment, property, and franchises thereto belonging, wherever situate, to trustees for the holders of said bonds.

May secure
bonds by mort-
gage of road.

SECTION 3. This act shall take effect upon its passage.
Approved March 2, 1881.

AN ACT TO AUTHORIZE THE HAVERHILL AND GROVELAND
STREET RAILWAY COMPANY TO ESTABLISH AND MAINTAIN A
FERRY ACROSS MERRIMACK RIVER. *Chap. 50*

Be it enacted, etc., as follows :

SECTION 1. The Haverhill and Groveland Street Railway Company is hereby authorized and empowered to establish a ferry for passengers across the Merrimack River between the city of Haverhill and the town of Groveland in the county of Essex, near the iron bridge between said city and town, and to maintain such ferry so long as said bridge remains closed to public travel.

May maintain
ferry while
bridge is closed
to travel.

SECTION 2. The said company is authorized to collect fare not exceeding two cents from each passenger at said ferry, and, except as herein provided, shall have all the rights and privileges and be subject to all the liabilities and restrictions set forth in the forty-seventh chapter of the General Statutes.

Rates of fare.

Approved March 2, 1881.

Chap. 51 AN ACT RELATING TO THE TRANSACTION OF FIDELITY INSURANCE
IN THIS COMMONWEALTH.

Be it enacted, etc., as follows :

Fidelity
insurance.
1879, 130, § 3.

SECTION 1. Section three of chapter one hundred and thirty of the acts of the year eighteen hundred and seventy-nine is hereby amended by striking out the words "life insurance," and inserting the words "either life insurance, or fidelity insurance: *provided*, that the business of fidelity insurance shall not be transacted in this Commonwealth by any company not having a capital of at least two hundred thousand dollars."

SECTION 2. This act shall take effect upon its passage.

Approved March 2, 1881.

Chap. 52 AN ACT IN RELATION TO PAYMENTS OF FINES AND COSTS TO
KEEPERS OF JAILS AND MASTERS OF HOUSES OF CORRECTION.

Be it enacted, etc., as follows :

Fines may be
paid to keeper
of jail, etc.

SECTION 1. Any person committed to a jail or house of correction in default of payment of a fine, or fine and costs, may pay the same to the keeper of the jail or master of the house of correction.

To be paid over
to county treas-
urer, quarterly.

SECTION 2. Every keeper of a jail and every master of a house of correction shall, on the first day of January, April, July and October, pay to the county treasurer (in Suffolk county to the county collector) all money received by him under the provisions of the preceding section during the three preceding months. He shall also render to said treasurer (or collector) a sworn statement showing the names of the prisoners by whom payments have been made, as aforesaid, the court by which each was committed, and the amount of fine, or fine and costs, received from each.

SECTION 3. This act shall take effect upon its passage.

Approved March 2, 1881.

Chap. 53 AN ACT IN ADDITION TO "AN ACT TO INCORPORATE THE CENTRAL WHARF AND WET DOCK CORPORATION."

Be it enacted, etc., as follows :

Central Wharf
and Wet Dock
Corporation.

SECTION 1. The property and estate now held by the Central Wharf and Wet Dock Corporation shall, upon the acceptance of this act, in the manner hereinafter provided, be vested in the corporation; to be held, leased, managed, improved and disposed of as it may deem for its interest, and the capital of said corporation shall be divided into four thousand shares of the par value of one

hundred dollars each, which shares shall be deemed personal property, and shall be held, transferred and disposed of as such, subject to assessment as provided in the charter of said corporation.

SECTION 2. Upon the acceptance of this act, as herein-after provided, the corporation shall issue to each proprietor a certificate of so many of said shares as shall be proportionate to his interest in the corporate property: *provided, however*, if the interest of any proprietor cannot be represented by a certain number of such shares, that the corporation may purchase of such proprietor his fractional part of a share. The corporation may by their by-laws prescribe the form of certificates and mode of transfer of shares.

Certificates of shares to be issued to proprietors proportionate to interest in the property.

SECTION 3. In case any interest in said corporate property shall, at the time of the acceptance of this act, be held by trustees, executors, or persons who are or may be under guardianship, such trustees, executors, and the guardians of such persons, are hereby authorized to receive, in lieu thereof, certificates of so many of the new shares as shall represent and be equal to their respective interests: *provided, however*, that the new shares so received shall be taken and held by them respectively upon the same trusts and for the same uses and purposes, and subject to the same limitations, as the interest previously held by them; and *provided, also*, that such trustees, executors, and guardians shall give sufficient bond to the judge of the probate court for the county in which they respectively shall have been appointed, or, in case their appointment shall have been by deed, to the judge of the probate court for the county of Suffolk, to hold and account for said shares and the proceeds of said shares according to the terms of their respective trusts; but said bond may be dispensed with, whenever the said trustees, executors, or guardians shall have previously given bonds sufficient in the opinion of said judge of the probate court to secure the proper appropriation of said shares, or whenever the giving of a bond with sureties shall have been dispensed with in the instrument creating the trust, or whenever all persons interested in the trust fund, being of full age and legal capacity, certify to the judge of the probate court their consent that no bond shall be required.

To be issued to trustees, guardians, etc.

Proviso.

Proviso.

SECTION 4. In case any interest in the said corporate property shall, at the time of the acceptance of this act, be held by any married man, in which his wife has an inchoate right of dower, the certificates to be issued in lieu

Right of dower.

thereof shall state that the shares for which they were issued are subject to such right of dower; and the wife shall have the same rights in the income of said new shares as she would have had if the interest of her husband in the said corporation had continued to be real estate: *provided, however*, a wife may release her right of dower in any of said shares by uniting with her husband in a transfer thereof, and whenever the right of dower in any such shares shall have been once terminated by such transfer, or by death, or operation of law, the shares so issued shall thereafter have all the incidents of personal property.

Proviso.

Estate for life or term of years.

SECTION 5. In case any interest in said corporate property shall, at the time of the acceptance of this act, belong to persons having different or separate interests therein, or in case an estate for life or a term of years in the same belongs to one person, and the remainder or reversion belongs to another, and there is no trustee capable of taking the same, said new certificates shall be issued to such person or persons as all having an interest therein shall, by an instrument in writing filed with the corporation, join in appointing to take the same: *provided, however*, if any of the persons having an interest in said property shall by reason of legal disability be incapacitated from choosing a trustee, or if persons not in being have an interest therein, the probate court for the county of Suffolk shall upon application appoint some suitable person as trustee; and the person so appointed shall, before entering upon the duties of his trust, give a bond to the judge of said probate court, with sufficient surety or sureties, in such penal sum as the judge directs, conditioned for the faithful performance of his duties in appropriating the income and principal of said shares, in the same manner that the interest or proportion of the corporate property for which they were issued would have been appropriated had that interest remained real estate: which bond, upon breach of its condition, may be put in suit by order of the probate court for the use and benefit of the persons interested in the trust property, in like manner as is provided in the case of bonds given by executors.

Proviso.

Tenant by the curtesy.

SECTION 6. In case any interest in said corporate property shall be owned by any married woman, and in case her husband shall have a tenancy by the curtesy initiate therein, the certificates to be issued in lieu thereof shall state that the shares for which they were issued are subject to such right of curtesy; and the husband shall have

the same interest in the new shares as he would have had if the interest of his wife in the said corporate property had continued to be real estate: *provided, however*, a husband may release his right of curtesy in any of said shares by uniting with his wife in a transfer thereof, and whenever the right of curtesy in any of said shares shall have been once terminated by such transfer, or by death, or by operation of law, the shares so issued shall thereafter have all the incidents of personal property.

Proviso.

SECTION 7. Said corporation may purchase additional real estate lying east of Atlantic Avenue in Boston, in Suffolk County, of not more than two hundred and fifty thousand dollars in value when purchased, and may hold the same for the purposes of the corporation; and may, at a meeting called for the purpose, increase the whole number of its shares of the par value aforesaid, to the number of seven thousand five hundred shares, for the purpose of paying for such additional real estate and improving or extending the wharf property which it now owns, or may hereafter lawfully acquire, but for no other purpose.

May purchase additional real estate.

SECTION 8. Except to authorize the holding of a meeting, as hereinafter provided, this act shall be of no effect until the same is accepted by the corporation at a meeting duly called for the purpose, and by vote of at least two-thirds in interest; but for the purpose of authorizing the holding of said meeting, it shall take effect upon its passage, and the whole act shall take full effect upon its acceptance: *provided, however*, that such acceptance of this act shall be held to make the said corporation subject in all respects to the provisions of section forty-one of chapter sixty-eight of the General Statutes. *Approved March 2, 1881.*

Subject to acceptance by a two-thirds vote in interest.

AN ACT IN ADDITION TO AN ACT TO REGULATE THE SALE OF INTOXICATING LIQUORS.

Chap. 54

Be it enacted, etc., as follows:

SECTION 1. No licenses for the sale of spirituous or intoxicating liquors shall be granted in any city or town, under the provisions of chapter ninety-nine of the acts of the year eighteen hundred and seventy-five, unless such city at its annual municipal election, or such town at its annual meeting, shall vote to authorize the issue thereof each year, as hereinafter provided: *provided, however*, that licenses may be issued in the discretion of the municipal authorities to druggists and apothecaries to sell for medicinal, mechanical and chemical purposes only, under the provisions of chapter two hundred and three of the acts of

Licenses not to be issued except by vote of the town or city.

Proviso.

Proviso.

the year eighteen hundred and seventy-eight; and *provided, further*, that licenses of all classes may be granted in any city during the present calendar year without such a vote, and in any town in which the warrant for the annual meeting for the current year is issued prior to the receipt of notice from the secretary of the Commonwealth as hereinafter provided. It shall be the duty of the aldermen of cities and of the selectmen of towns to insert in the warrant for the annual municipal election or annual meeting an article providing that a vote shall be taken as hereinafter provided on the question of granting licenses for the sale of intoxicating liquors. The check list shall be used, and the vote shall be by separate ballot; and ballots shall be "Yes" or "No," in answer to the question "Shall licenses be granted for the sale of intoxicating liquors in this city (or town)?"

Form in which vote is to be taken.

Return of vote to be made to the secretary.

SECTION 2. The clerks of the several cities and towns in which such vote is taken in accordance with the provisions of section one of this act, shall, within thirty days after such vote is taken, make a return to the secretary of the Commonwealth, giving a true statement of the vote cast at such meeting. They shall also, annually, during the month of November, make returns to the secretary of the Commonwealth, showing the number of licenses of each class issued, the amount received for the same, by classes, and the number revoked, if any.

Repeal.

SECTION 3. All acts and parts of acts inconsistent herewith are hereby repealed.

Notice to be sent to selectmen.

SECTION 4. This act shall take effect upon its passage, and notice thereof shall be sent forthwith by the secretary of the Commonwealth to the selectmen of the several towns of the Commonwealth. *Approved March 3, 1881.*

Chap. 55 AN ACT TO AMEND CHAPTER ONE HUNDRED AND THIRTY-FIVE OF THE ACTS OF THE YEAR EIGHTEEN HUNDRED AND SEVENTY-EIGHT CONCERNING THE RECORDS OF LOCATIONS OF RAILROADS.

Be it enacted, etc., as follows:

Records of locations of railroads.

SECTION 1. Chapter one hundred and thirty-five of the acts of the year eighteen hundred and seventy-eight is hereby amended so that the notice to railroad corporations authorized by section one may be given at any time within two months after the passage of this act, and thereupon the corporation notified shall during the present calendar year file a location of its road or of such portion thereof as the notice requires, with the same effect from

the date of filing as if it had been filed under the provisions of said chapter.

SECTION 2. This act shall take effect upon its passage.

Approved March 3, 1881.

AN ACT RELATING TO THE BONDS OF PERSONS APPOINTED BY THE GOVERNOR OR BY THE GOVERNOR AND COUNCIL. *Chap. 56*

Be it enacted, etc., as follows:

When a bond is by law required of any person appointed by the governor or by the governor and council, the commission or certificate of appointment shall not issue until a satisfactory bond has been delivered.

Bond to be delivered before commission is issued.

Approved March 3, 1881.

AN ACT AUTHORIZING THE GOVERNOR AND COUNCIL TO REVOKE CERTAIN APPOINTMENTS. *Chap. 57*

Be it enacted, etc., as follows:

Appointments made by the governor or by the governor and council may be by them revoked at any time, for cause, unless the tenure of office or trust is expressly determined by the constitution or by law.

Appointments may be revoked by governor, etc.

Approved March 3, 1881.

AN ACT RELATIVE TO THE APPOINTMENT OF SPECIAL SHERIFFS. *Chap. 58*

Be it enacted, etc., as follows:

The sheriffs of the several counties shall immediately after the appointment and qualification of any person as special sheriff in their respective counties send notice thereof in writing, giving the name and residence of the appointee, to the secretary of the Commonwealth, who shall thereupon make an entry of the receipt of such notice in a book to be kept for the purpose.

Return of appointment of special sheriff to be made to the secretary.

Approved March 3, 1881.

AN ACT IN ADDITION TO "AN ACT TO INCORPORATE THE HINGHAM WATER COMPANY." *Chap. 59*

Be it enacted, etc., as follows:

SECTION 1. The Hingham Water Company is hereby authorized to extend its water pipes or conduits through the towns of Hull and Cohasset, or any parts thereof, for the purpose of supplying the inhabitants of said towns, respectively, with pure water for the extinguishment of fires, generation of steam, domestic and other purposes; and it shall have the same privileges, rights and powers in and for these localities that are granted it by chapter

May extend water pipes through Hull and Cohasset.

Proviso.

Proviso.

To file in the registry of deeds a description of the land taken.

Water supply for Hull and Cohasset.

Assessment of damages.

Hingham may purchase corporate property, etc.

one hundred and thirty-nine of the acts of the year eighteen hundred and seventy-nine in and for the town of Hingham: *provided*, that whenever for any reason the supply of water shall not be more than sufficient for the needs of the residents of the towns of Hingham and Hull, the residents of the towns of Hingham and Hull shall be first supplied; and *provided, further*, that whenever for any reason the supply of water shall not be more than sufficient for the needs of the residents of the town of Hingham, the residents of the town of Hingham shall be first supplied.

SECTION 2. Said corporation shall within ninety days after the taking of any land under this act, otherwise than by purchase, file in the registry of deeds for the county in which the land so taken lies, a description thereof sufficiently accurate for identification, with a statement of the purpose for which the same is taken, signed by the president of the corporation; and the title of the land so taken shall vest in the said corporation.

SECTION 3. Said corporation may make such contracts with the towns of Hull and Cohasset, respectively, to supply water for fire or other purposes, as may be agreed upon by said towns, respectively, and said corporation.

SECTION 4. Any person or corporation injured in property by any of the acts of said corporation under this act, and failing to agree with said corporation as to the amount of damages, may have the same assessed and determined in the manner provided when land is taken for highways. There shall be the same limitation as to the time in which suits for injury to person shall be brought, as is provided in section four of said chapter one hundred and thirty-nine of the acts of the year eighteen hundred and seventy-nine, and the same forfeitures, payments, fines and penalties for the destruction or injury of the works or property held, owned or used by said corporation, under the authority of and used for the purposes of this act, as are provided in section five of said act; and the town of Hingham shall have the same right to purchase the corporate property and rights acquired by said corporation under this act: and, in case of purchase, the same rights to issue notes, bonds, scrip or certificates of debt, and to sell or pledge the same, or any part thereof, and be subject to the same liabilities, and have the same powers, as are provided in said former act.

SECTION 5. This act shall take effect upon its passage.
Approved March 3, 1881.

AN ACT TO INCORPORATE THE BROCKTON SAVINGS BANK IN THE *Chap. 60*
TOWN OF BROCKTON.

Be it enacted, etc., as follows :

SECTION 1. J. J. Whipple, W. W. Cross, Davis S. Packard, L. F. Severance, E. H. Joslyn, D. S. Volman, Henry A. Ford, Henry E. Lincoln, George E. Freeman, Ziba C. Keith, George E. Keith, Loring W. Puffer, B. O. Caldwell, Sanford Winter, H. H. Packard, their associates and successors, are hereby made a corporation by the name of the Brockton Savings Bank, to be located in the town of Brockton; with all the powers and privileges and subject to all the duties, liabilities and restrictions set forth in the general laws which now are or may hereafter be in force relating to savings banks and institutions for savings.

Corporators.

Name.
Powers and
duties.

SECTION 2. This act shall take effect upon its passage.
Approved March 3, 1881.

AN ACT TO INCORPORATE THE MECHANICS' EXCHANGE.

Chap. 61

Be it enacted, etc., as follows :

SECTION 1. Leonard F. Creese, David Perkins, Benjamin D. Whitcomb, their associates and successors are hereby made a corporation by the name of the Mechanics' Exchange, for the purpose of establishing, providing, holding and managing a mechanics' exchange in the city of Boston, for the use and convenience of the members of said corporation; with all the powers and privileges and subject to all the duties, liabilities and restrictions set forth in all the general laws which now are or may hereafter be in force applicable to such corporations: *provided*, that nothing in this act contained shall be construed to authorize said corporation to traffic in goods, wares or merchandise of any description.

Corporators.

Name and
purpose.

Powers and
duties.

Proviso.

SECTION 2. Said corporation may for the purpose aforesaid hold real and personal estate, not exceeding one hundred and fifty thousand dollars in value, to be devoted exclusively to the purposes of said corporation.

Real and per-
sonal estate.

SECTION 3. No assessment shall be laid upon the members of said corporation to exceed fifty dollars per annum.

Assessments not
to exceed fifty
dollars a year.

SECTION 4. This act shall take effect upon its passage.
Approved March 5, 1881.

Chap. 62 AN ACT RELATING TO THE ASSISTANT CLERKS OF THE MUNICIPAL COURT OF THE CITY OF BOSTON, FOR THE TRANSACTION OF CRIMINAL BUSINESS.

Be it enacted, etc., as follows :

Additional assistant clerk may be appointed.

SECTION 1. The clerk of the municipal court of the city of Boston, for the transaction of criminal business, may, subject to the approval of the justices of said court or a majority of them, appoint an additional assistant clerk for said court, who shall be known as the fourth assistant clerk, and who shall receive an annual salary of fourteen hundred dollars; all provisions of existing laws relating to the appointment, removal, payment, authority and qualifications of the present assistant clerks of said court, shall apply to said fourth assistant clerk.

Repeal.

SECTION 2. All acts and parts of acts inconsistent herewith are hereby repealed.

SECTION 3. This act shall take effect upon its passage.

Approved March 5, 1881.

Chap. 63 AN ACT IN ADDITION TO "AN ACT LIMITING THE FORFEITURE OF POLICIES IN LIFE INSURANCE COMPANIES."

Be it enacted, etc., as follows :

Forfeiture of policies in life insurance companies limited.

SECTION 1. The provisions of chapter two hundred and thirty-two of the acts of the year eighteen hundred and eighty, limiting the forfeiture of policies in life insurance companies, shall be binding upon the companies to which it applies, any stipulation or condition of forfeiture contained in their policies or elsewhere to the contrary notwithstanding; and any waiver by the assured of the benefits of said act shall be void: *provided*, that this act shall not prevent the performance of any stipulation or condition in any policy issued before the passage of this act.

SECTION 2. This act shall take effect upon its passage.

Approved March 5, 1881.

Chap. 64 AN ACT TO AMEND AN ACT CONCERNING MARRIED WOMEN DOING BUSINESS ON THEIR SEPARATE ACCOUNT.

Be it enacted, etc., as follows :

Certificate to be recorded in clerk's office where business is to be done.

SECTION 1. Chapter one hundred and ninety-eight of the acts of the year eighteen hundred and sixty-two is hereby amended by striking out the word "file," wherever the same occurs therein, and inserting in place thereof the word "record," and by striking out the word "filed," wherever the same occurs therein, and inserting in place thereof the word "recorded."

SECTION 2. City and town clerks, upon payment of their fees, shall record all certificates required by said chapter one hundred and ninety-eight, in books kept for the purpose, noting therein and on each certificate the time it is received, and such certificate shall be considered as recorded at the time when left for the purpose at the clerk's office. And said clerks shall keep an index of all certificates so recorded by them, and in such index shall make proper reference to all certificates heretofore filed. The fees for recording, and all other services relating thereto, shall be at the same rate as for recording mortgages of personal property.

Clerk to record certificate, etc.

SECTION 3. The provisions of this act shall not affect the rights of any party under certificates heretofore filed as required by said chapter one hundred and ninety-eight.

Rights not affected.

SECTION 4. This act shall take effect upon its passage.
Approved March 5, 1881.

AN ACT TO AMEND SECTION SEVENTEEN OF CHAPTER SEVEN OF THE
GENERAL STATUTES, CONCERNING ELECTION RETURNS.

Chap. 65

Be it enacted, etc., as follows:

Section seventeen of chapter seven of the General Statutes of this Commonwealth is hereby amended by striking out in the eleventh line thereof the word "seven," and inserting therein the word "ten."

Return of record of votes to be made within ten days.

Approved March 5, 1881.

AN ACT IN RELATION TO RETURNS FROM COURTS AND TRIAL JUSTICES.

Chap. 66

Be it enacted, etc., as follows:

SECTION 1. The returns required by sections eleven, twelve and thirteen of chapter fourteen of the General Statutes, shall hereafter be made to the commissioners of prisons, instead of to the secretary of the Commonwealth. Said commissioners shall in their annual report publish such abstracts and tabular statements from said returns as shall show the results of criminal prosecutions in the courts of the Commonwealth.

Returns to be made to commissioners of prisons.

SECTION 2. So much of said chapter fourteen as is inconsistent herewith is hereby repealed.

Approved March 5, 1881.

Chap. 67 AN ACT TO AMEND "AN ACT TO INCORPORATE THE INTERNATIONAL TRUST COMPANY."

Be it enacted, etc., as follows:

May invest
moneys as sav-
ings banks are
allowed to
invest.

SECTION 1. Section five of chapter one hundred and fifty-two of the acts of the year one thousand eight hundred and seventy-nine is hereby amended by adding to said section the following:—And said corporation may also invest all moneys held by it in trust in any other securities in which savings banks are now or may be hereafter allowed to invest.

Repeal of 1879,
152, § 3.

SECTION 2. Section three of chapter one hundred and fifty-two of the acts of the year one thousand eight hundred and seventy-nine is hereby repealed.

Returns to be
published.

SECTION 3. The returns of said corporation required to be made to the commissioners of savings banks shall be published in a newspaper of the city of Boston at the expense of said corporation, and in the annual report of said commissioners.

Subject to
acceptance.

SECTION 4. This act shall take effect upon its acceptance by said corporation, which acceptance, with the date thereof, shall within ten days thereafter be certified by the president to the secretary of the Commonwealth.

Approved March 7, 1881.

[Accepted March 17, 1881.]

Chap. 68 AN ACT TO SECURE THE CONSTRUCTION OF BRIDGE-GUARDS AT ALL BRIDGES ABOVE RAILROAD TRACKS.

Be it enacted, etc., as follows:

Guards at
bridges above
railroad tracks.

Section one hundred and nineteen of chapter three hundred and seventy-two of the acts of the year eighteen hundred and seventy-four is hereby amended by striking out the words "less than eighteen feet."

Approved March 8, 1881.

Chap. 69 AN ACT RELATING TO FEES ALLOWED FOR THE USE OF LOCK-UPS.

Be it enacted, etc., as follows:

Fees for use of
lock-ups.

Section seventeen of chapter two hundred and sixteen of the acts of the year eighteen hundred and sixty-two is hereby amended by striking out the words "a day or at that rate for the fractional part of a day," and inserting in their place the words "for each full day of twenty-four hours from the time of commitment, and the same sum for any fractional part of such day."

Approved March 8, 1881.

AN ACT TO PROVIDE THAT THE RECEIVERS OF INSOLVENT SAVINGS BANKS AND INSTITUTIONS FOR SAVINGS SHALL DEPOSIT CERTAIN MONEYS WITH THE TREASURER OF THE COMMONWEALTH.

Chap. 70

Be it enacted, etc., as follows :

Receivers of insolvent savings banks and institutions for savings, having unclaimed moneys or dividends belonging to the estate of any such corporation remaining in their hands for one year after final settlement ordered by the court, shall deposit the amount so remaining uncalled for with the treasurer of the Commonwealth, with a schedule of the names and residences, so far as known, of the parties entitled thereto; and said treasurer shall receive and hold the same in trust for such parties and their representatives; and said treasurer shall pay over the same to the parties entitled thereto, upon proper demand made therefor, upon being furnished with evidence satisfactory to him of the identity of the claimant and the justice of the claim.

Unclaimed dividends to be deposited with treasurer of the Commonwealth.

Approved March 8, 1881.

AN ACT TO MAKE THE THIRTIETH DAY OF MAY, KNOWN AS MEMORIAL DAY, A LEGAL HOLIDAY.

Chap. 71

Be it enacted, etc., as follows :

SECTION 1. The thirtieth day of May in each year, being the day set apart for the decoration of the graves of deceased soldiers, and known as Memorial Day, is hereby made a legal public holiday, to all intents and purposes, in the same manner as Thanksgiving, Fast and Christmas days, the twenty-second day of February, and the fourth day of July, are now by law made public holidays.

Memorial Day made a legal holiday.

SECTION 2. This act shall take effect upon its passage.

Approved March 8, 1881.

AN ACT IN ADDITION TO "AN ACT TO INCORPORATE THE NEWBURYPORT WATER COMPANY."

Chap. 72

Be it enacted, etc., as follows :

SECTION 1. The city of Newburyport is hereby authorized to contract with the Newburyport Water Company for a supply of water, for purposes other than fire purposes, for a term of years.

Water supply for Newburyport.

SECTION 2. This act shall take effect upon its passage.

Approved March 8, 1881.

Chap. 73 AN ACT TO AMEND "AN ACT IN RELATION TO LICENSING VEHICLES TO CONVEY PERSONS TO AND FROM THE STATE MUSTER-FIELD IN THE TOWN OF FRAMINGHAM."

Be it enacted, etc., as follows:

Fee for license.

SECTION 1. Section one of chapter one hundred and forty-nine of the acts of the year eighteen hundred and seventy-nine, entitled "An Act in relation to licensing vehicles to convey persons to and from the state muster-field in the town of Framingham," is amended by striking out in the eighth line thereof the words "twenty-five cents," and inserting the words "five dollars."

SECTION 2. This act shall take effect upon its passage.

Approved March 8, 1881.

Chap. 74 AN ACT TO INCORPORATE SAINT JOHN'S CHURCH, BOSTON HIGHLANDS.

Be it enacted, etc., as follows:

St. John's Church incorporated.

SECTION 1. The religious society and organization now known as the Rector, Churchwardens, and Vestrymen of Saint John's Church, Boston Highlands, is hereby made a legal corporation, and its doings and records confirmed and made valid, any thing in the manner of its organization to the contrary notwithstanding.

Real estate not to exceed \$100,000.

SECTION 2. Said corporation shall have power to hold real estate to an amount not exceeding one hundred thousand dollars for the purpose of its organization, to wit: to maintain the worship of Almighty God according to the faith and discipline of the Protestant Episcopal Church of the United States of America, and shall have the powers, rights and privileges, and be subject to the limitations, duties and restrictions, which by law appertain to such corporations.

SECTION 3. This act shall take effect upon its passage.

Approved March 8, 1881.

Chap. 75 AN ACT AUTHORIZING THE DITCHING OF SOUTH BEACH IN EDGARTOWN, ADJACENT TO GREAT POND, AND RELATIVE TO THE FISHERIES IN SAID POND.

Be it enacted, etc., as follows:

South Beach may be ditched and flow of water regulated.

SECTION 1. The lessees holding from the commissioners of inland fisheries a lease of Great Pond and Job's Neck Pond in the town of Edgartown, may, with the permission of the owners of the land, cut through the beach known as the South Beach, lying between the waters of Great Pond and the ocean, and maintain ditches and dams

to regulate the flow of water between said pond and the ocean.

SECTION 2. Commissioners may be appointed, who shall be disinterested persons, in accordance with the provisions of section three of chapter one hundred and forty-eight of the General Statutes, who shall have all the powers conferred by said chapter and the acts in amendment thereof and in addition thereto, during and after the termination of said lease, notwithstanding any previous right of fishery. Said commissioners may direct and control the opening and closing of the channel across said beach, and the exercise of all rights conferred by the preceding section of this act.

To be under
control of
commissioners.

SECTION 3. Said lessees shall have the right of fishery in said Great Pond according to the terms of their lease, under the laws limiting and defining the rights of such lessees, notwithstanding any statutes heretofore in force specially regulating the fisheries in said pond.

Lessees to have
right of fishery.

SECTION 4. This act shall take effect upon its passage.

Approved March 8, 1881.

AN ACT TO INCORPORATE THE UXBRIDGE WATER COMPANY.

Chap. 76

Be it enacted, etc., as follows:

SECTION 1. Moses Taft, Alonzo W. Bennett, Charles A. Taft, Martin S. Brown, William E. Hayward, Eben B. Hayward, J. Walter Day, George F. Day and Lewis H. Murdock, their associates and successors, are hereby made a corporation by the name of the "Uxbridge Water Company," for the purpose of furnishing the inhabitants of Uxbridge with pure water for the extinguishment of fires, domestic and other purposes; with all the powers and privileges, and subject to all the duties, restrictions and liabilities set forth in all general laws which now are or hereafter may be in force applicable to such corporations.

Corporators.

Name and
purpose.

Powers and
duties.

SECTION 2. Said corporation, for all the purposes aforesaid, may take, hold and convey into and through the town of Uxbridge, or any part thereof, the water in what is known as the Zadok A. Taft Brook, together with the springs which feed and supply said brook, situated near the centre village of said town, on the south-westerly side of the road leading from Main street to Pascoag, R.I. (said springs being on land of O. C. Smiley), and may take and hold, by purchase or otherwise, any real estate necessary for the preservation and purity of the same, or for forming any dams or reservoirs to hold the same, and

May take water
from Zadok A.
Taft Brook.

May take and
hold real estate.

May lay water pipes.

for laying and maintaining aqueducts and pipes for distributing the waters so taken and held; and may lay its water pipes through any private lands, with the right to enter upon the same and dig therein for the purpose of making all necessary repairs; and for the purposes aforesaid may carry its pipes under or over any water-course, street, railroad, highway or other way, in such manner as not to unnecessarily obstruct the same; and may, under the direction of the board of selectmen, enter upon and dig up any road or other way for the purpose of laying or repairing its aqueducts, pipes, or other works; and in general may do any other acts and things necessary and proper for carrying out the purposes of this act.

To file in the registry of deeds a description of the land taken.

SECTION 3. Said corporation shall, within sixty days after the taking of any land under the provisions of this act, file in the registry of deeds of the county of Worcester a description of any land so taken, sufficiently accurate for identification, with a statement of the purposes for which it is so taken; and the title to the land so taken shall vest in said corporation. Any person injured in his property by any acts of said corporation, and failing to agree with said corporation as to the amount of damages, may have the same assessed and determined in the manner provided when land is taken for highways; and no suit for injury done under this act shall be brought after three years from the date of the alleged receipt of injury.

Assessment of damages.

May fix rates for use of water.

SECTION 4. Said corporation may distribute the water through said Uxbridge; may establish and fix from time to time the rates for the use of said water, and collect the same; and may make such contracts with the town of Uxbridge, or any fire district that may be hereafter established, or with individuals, to supply water for fires or for other purposes, as may be agreed upon by said town, or such fire district or individuals, and said corporation.

Real and personal estate and capital stock.

SECTION 5. Said corporation, for the purposes set forth in this act, may hold real and personal estate not exceeding ten thousand dollars in value; and the whole capital stock shall not exceed ten thousand dollars, to be divided into shares of one hundred dollars each.

Penalty for diverting water or rendering it impure.

SECTION 6. If any person shall use any of said water taken under this act, without the consent of said corporation, or shall wantonly or maliciously divert the water, or any part thereof so taken, or corrupt the same, or render it impure, or destroy or injure any dam, aqueduct, pipe, conduit, hydrant, machinery, or other works or property held, owned or used by said corporation under the authori-

ty of and for the purposes of this act, he shall forfeit and pay to said corporation three times the amount assessed therefor, to be recovered in an action of tort; and on conviction of either of the wanton or malicious acts aforesaid, may be punished by a fine not exceeding three hundred dollars, or by imprisonment in jail not exceeding one year.

SECTION 7. The town of Uxbridge, and any fire district that may be established therein, shall have the right, at any time during the continuance of the charter hereby granted, to purchase the corporate property and all the rights and privileges of said company, at the actual cost of the same; or, if mutually agreed upon between said corporation and said town or any such fire district, at a less price; and said corporation is hereby authorized to make sale of the same to said town or such fire district; but such authority to purchase said franchise and property is granted to said town, or fire district, upon the condition that the same is assented to by said town or fire district by a two-thirds vote of the voters present and voting thereon at any annual meeting, or at a legal meeting called to act on the subject.

Corporate property may be purchased by town of Uxbridge or a fire district.

SECTION 8. The owners of lands and water rights taken under this act, upon application by either party for an estimate of damages, may require said corporation to give security, satisfactory to the board of selectmen of said town, for the payment of all damages and costs which may be awarded to them for the land or other property taken. And if, upon petition of the owner with notice to the adverse party, the security appears to the selectmen of said town to have become insufficient, they shall require said corporation to give further security to their satisfaction, and all the right or authority of the corporation to enter upon and use said land and other property, except for making surveys, shall be suspended until it gives the security required.

Security for payment of damages may be required.

SECTION 9. This act shall be null and void unless said corporation shall within three years from the passage thereof avail itself of its provisions, and commence a prosecution of the work herein authorized.

Work to be commenced within three years.

SECTION 10. This act shall take effect upon its passage.

Approved March 9, 1881.

AN ACT TO INCORPORATE THE MILFORD WATER COMPANY.

Chap. 77

Be it enacted, etc., as follows:

SECTION 1. Moses Joy, junior, Charles W. Shippee, John P. Daniels, Ephraim L. Wires, Charles F. Claffin,

Corporators.

Name and purpose.	their associates and successors, are hereby made a corporation by the name of the Milford Water Company, for the purpose of furnishing the inhabitants of Milford with pure water for the extinguishment of fires, and for domestic
Powers and duties.	and other purposes, with all the powers and privileges, and subject to all the duties, restrictions and liabilities set forth in the general laws which now are or may hereafter be in force regulating such corporations.
May take water from any streams and springs in Milford.	SECTION 2. Said corporation may take, hold and convey through the town of Milford, or any part thereof, the water, so far as may be necessary for the purpose, of any spring or springs, or of any stream or streams, within said town of Milford, and may take and hold, by purchase or otherwise, any real estate necessary for the preservation and purity of the same, or for forming any dams or reservoirs to hold the same, and for laying and maintaining aqueducts and pipes for distributing the water so taken and held ; and may lay its water pipes through any private lands, with the right to enter upon the same and dig therein for the purpose of making all necessary repairs or service connections ; and for the purposes aforesaid may carry its pipes under or over any water-course, street, railroad, highway or other way, in such manner as not unnecessarily to obstruct the same ; and may, under the direction of the board of selectmen, enter upon and dig up any road or other way for the purpose of laying or repairing its aqueducts, pipes or other works ; and in general may do any other acts and things convenient or proper for carrying out the purposes of this act.
May lay water pipes.	
To file in the registry of deeds a description of the land taken.	SECTION 3. Said corporation shall, within sixty days after the taking of any land or water rights under the provisions of this act, file in the registry of deeds of the county of Worcester a description of any land so taken, sufficiently accurate for identification, with a statement of the purposes for which it is so taken, and the title of the land so taken shall vest in said corporation. Any person or corporation injured in any way by any acts of said corporation, and failing to agree with said corporation as to the amount of damages, may have the same assessed and determined in the manner provided when land is taken for highways ; but no application shall be made to the county commissioners for the assessment of damages for the taking of water rights until the water is actually taken and diverted by said corporation. Any person whose water rights are thus taken or affected may apply as aforesaid within three years from the time the water is actually
Assessment of damages.	

withdrawn or diverted, and not thereafter; and no suit for injury done under this act shall be brought after three years from the date of the alleged receipt of injury.

SECTION 4. Said corporation may distribute the water through said Milford; may establish and fix from time to time the rates for the use of said water, and collect the same; and may make such contracts with the town of Milford, or any fire district that may hereafter be established therein, or with individuals or corporations, to supply water for fire or for other purposes, as may be agreed upon by said town or fire district or individuals or corporations, and said corporation.

May fix rates
for use of water.

SECTION 5. Said corporation, for the purposes set forth in this act, may hold real estate not exceeding in amount sixty thousand dollars; and the whole capital stock shall not exceed one hundred thousand dollars, to be divided into shares of fifty dollars each.

Real and per-
sonal estate and
capital stock.

SECTION 6. If any person shall use any of said water taken under this act, without the consent of said corporation, or shall wantonly or maliciously divert the water or any part thereof so taken, or corrupt the same, or render it impure, or destroy or injure any dam or aqueduct, pipe, conduit, hydrant, machinery, or other works or property held, owned or used by said corporation, under the authority of and for the purposes of this act, he shall forfeit and pay to said corporation three times the amount of damages assessed therefor, to be recovered in an action of tort; and, on conviction of either of the wanton or malicious acts aforesaid, may be punished by a fine not exceeding three hundred dollars, or by imprisonment in jail not exceeding one year.

Penalty for
diverting water
or rendering it
impure.

SECTION 7. Said corporation may purchase from the owner or owners of any aqueduct now used in furnishing water to the inhabitants of said town of Milford, his or their whole water right, estate, property and privileges, and by such purchase shall become entitled to all the rights and privileges, and subject to all the liabilities and duties, appertaining and belonging to such owner or owners.

May purchase
present aque-
duct in Milford.

SECTION 8. The Milford Water Company may issue bonds, and secure the same by a mortgage on its works, structures, equipments, franchise, and other property, real or personal, to an amount which shall not exceed the capital stock of said company actually paid in and applied to the construction or completion of said Milford Water Company's works.

May issue
bonds secured
by mortgage.

Corporate property may be purchased by town of Milford.

SECTION 9. The town of Milford shall have the right at any time during the continuance of the charter hereby granted, to purchase the corporate property and all the rights and privileges of said company, at a price which may be mutually agreed upon between said corporation and the said town of Milford; and the said corporation is authorized to make sale of the same to said town. In case said corporation and said town are unable to agree, then the compensation to be paid shall be determined by three commissioners, to be appointed by the supreme judicial court upon application of either party and notice to the other, whose award, when accepted by said court, shall be binding upon both parties. And this authority to purchase said franchise and property is granted on condition that the same is assented to by said town by a two-thirds vote of the voters present and voting thereon, at a meeting called for that purpose.

Work to be commenced within three years.

SECTION 10. This act shall be null and void unless said corporation shall within three years from the passage thereof avail itself of its provisions, and commence a prosecution of the work herein authorized.

Security for payment of damages may be required.

SECTION 11. The owners of lands and water rights taken under this act, upon application by either party for an estimate of damages, may require said corporation to give security, satisfactory to the board of selectmen of said town, for the payment of all damages and costs which may be awarded to them for the land or other property taken. And if, upon petition of the owner with notice to the adverse party, the security appears to the selectmen of said town to have become insufficient, they shall require said corporation to give further security to their satisfaction, and all the right or authority of the corporation to enter upon or use said land and other property, except for making surveys, shall be suspended until it gives the security required.

Subject to acceptance by the town.

SECTION 12. This act shall take effect upon its acceptance by a vote of a majority of the legal voters of said town of Milford, present and voting at a meeting duly warned for that purpose.

Approved March 9, 1881.

Chap. 78 AN ACT TO AMEND THE CHARTER OF THE CITY OF FALL RIVER.

Be it enacted, etc., as follows:

Fall River city charter amended.

SECTION 1. The city council of the city of Fall River may in the year eighteen hundred and eighty-one, and not afterwards before the year eighteen hundred and eighty-

five, nor oftener than once in five years thereafter, revise and if needful make a new division of the city into such number of wards, not less than six nor more than twelve, as said council shall deem the interests of the city may require; and the said wards shall be so constituted as to contain, as nearly as may be consistent with well defined limits to each ward, an equal number of qualified voters in each ward, but no such division of wards shall have the effect to change the boundary lines of any representative district previously established; and until such revision be made the boundary lines of the wards of the said city shall remain as now established: *provided*, that in case the number of said wards shall be increased, each ward shall be entitled to one alderman and three common councilmen.

New division
of wards.

SECTION 2. The mayor shall be an inhabitant and qualified voter of the city of Fall River, and shall be elected by the qualified voters of the city at large. One alderman, three common councilmen, and the following ward officers, viz.: a warden, clerk and three inspectors of elections, who shall be different persons, shall be elected by the qualified voters of each ward, and shall be inhabitants and qualified voters of the wards where elected.

Election of
mayor, alder-
men, common
councilmen and
ward officers.

SECTION 3. The mayor shall be the chief executive officer of said city of Fall River. It shall be his duty to be vigilant and active in causing the laws, ordinances and regulations of the city to be duly executed and enforced, to exercise a general supervision over the conduct and acts of all subordinate officers, to examine into all complaints preferred against them for violation or neglect of duty, and as far as is in his power cause all negligence, carelessness or violation of duty to be duly prosecuted and punished; and, whenever in his judgment the good of the city may require it, he may call meetings of the city council, or either branch thereof, by causing a written notice to be left at the place of residence of each member, or delivered to him in person, although the meeting of said branches, or either of them, may stand adjourned to a more distant day; and he shall perform such other duties as the city council may legally and reasonably require. The mayor, from time to time, shall communicate to the city council, or either branch thereof, all such information, and recommend all such measures, as in his opinion may tend to the improvement of the finances, the police, health, security, cleanliness, comfort, government and ornament of the city. He shall when present preside in the board of alder-

Mayor to be
chief executive
officer of the
city.

To make nominations subject to confirmation or rejection by aldermen.

Meeting for organization of government.

Aldermen to elect chairman who shall preside, in the absence of the mayor.

Common council to elect a president.

men and in convention of the two branches of the city council, but shall have no right to vote. In all cases in which appointments are directed to be made by the mayor and aldermen, the mayor shall have exclusive power of nomination, subject however to confirmation or rejection by the board of aldermen; but if a person so nominated shall be rejected, it shall be the duty of the mayor to make another nomination within one month from the time of such rejection.

SECTION 4. The persons returned to serve as aldermen and members of the common council shall on the first Monday of January, at ten o'clock in the forenoon, meet in their respective rooms; the board of aldermen shall be called to order by the mayor elect, or in his absence by the senior member; the common councilmen shall be called to order by the senior member, and on the appearance of a quorum of each branch notice shall be communicated to the other of that fact, and the two branches shall then forthwith meet in convention. If no mayor who accepts the office has been chosen prior to said first Monday in January, the city clerk shall read the record of that fact in presence of the persons assembled; otherwise the oath of office shall be administered to the mayor elect by the city clerk, or by any justice of the peace. The oath of office shall be administered to the members present by the mayor or by any justice of the peace, and a certificate thereof shall be entered in the journals of the board of aldermen and of the common council by their respective clerks.

SECTION 5. After the organization of the city government as aforesaid, the two branches shall separate, and the persons chosen and qualified as aldermen shall meet, and when a quorum shall be present said board shall proceed to choose one of their number as permanent chairman, who shall, in the absence of the mayor, preside at all meetings of said board, and in convention of the two branches; and in case of any vacancy in the office of mayor, for any cause, he shall exercise all the powers and perform all the duties of said office as long as such vacancy shall continue; and he shall always have a vote in said board, and in convention of the two branches, but shall not, in addition, have a casting vote. In the absence of the mayor and chairman of the board of aldermen, said board may choose a chairman *pro tempore*.

SECTION 6. The persons chosen and qualified as common councilmen shall meet and act together as a separate

body, distinct from the board of aldermen, except in those cases in which the two bodies meet in convention; and the common council shall have power from time to time to choose by ballot one of their number as president, who shall preside over their deliberations and preserve order and decorum therein. The city auditor shall be clerk of the common council, and shall be sworn to the faithful discharge of his duties as such. It shall be the duty of the clerk to attend said council when the same is in session, to keep a journal of its acts, votes and proceedings, and to perform such other duties in said capacity as said council may require. In the absence of the clerk, a clerk *pro tempore* may be chosen by ballot, and shall be duly qualified.

City auditor to be clerk of the common council.

Clerk *pro tempore*.

SECTION 7. In case of the decease or resignation of the mayor, or of his inability to perform the duties of his office, the board of aldermen and common council shall respectively by vote declare that a vacancy exists in said office, and the cause thereof, whereupon the board of aldermen shall issue their warrants in due form for the election of mayor, and the same proceedings shall be had as are herein before provided for the choice of mayor, and the mayor thus elected shall hold his office during the remainder of the municipal year, and until another is chosen and qualified in his stead: *provided, however*, that when such vacancy occurs on or after the first day of October in any year, it shall be discretionary with said board of aldermen and common council to order, or not to order, an election to fill such vacancy.

Vacancy in the office of mayor.

SECTION 8. Any person chosen a member of the board of aldermen or of the common council, who shall not be qualified at the organization of the city council on the first Monday in January, or who, after said organization, shall be elected to fill a vacancy in either of said boards, may be qualified at any time by the mayor in presence of the board of aldermen; and in case of the temporary absence of the city clerk, the mayor, by and with the advice and consent of the board of aldermen, may appoint a clerk *pro tempore*, who shall be duly qualified.

Qualification of members not qualified at organization.

SECTION 9. The city council shall elect, by joint ballot in convention, three persons to be assessors of taxes, one to serve one year, one to serve two years, and one to serve three years, from the first Monday of March next following, and until their successors are respectively chosen and qualified. In each succeeding year, as soon after the organization of the city council as may be convenient, said

Assessors of taxes.

To hold office
for three years.

council shall elect by joint ballot in convention, one assessor of taxes, who shall hold his office for the term of three years from the first Monday in March in said year, and until his successor is chosen and qualified. The assessors thus chosen shall constitute the board of assessors for the city, and shall exercise the powers and be subject to the duties and liabilities of assessors of towns in this Commonwealth, and shall be sworn to the faithful performance of the duties of their office. All taxes shall be assessed, apportioned and collected in the manner prescribed by the laws of the Commonwealth: *provided, however*, that the city council may establish additional provisions not inconsistent therewith.

Overseers of the
poor.

SECTION 10. The overseers of the poor shall consist of the mayor and the board of aldermen, who shall appoint an agent, define his duties, and fix his compensation. Said overseers shall have all the powers heretofore conferred upon the overseers of the poor of the city of Fall River, and all the powers of overseers of the poor in towns, but shall receive no compensation for their services.

SECTION 11. All acts and parts of acts inconsistent herewith are hereby repealed.

Approved March 12, 1881.

Chap. 79 AN ACT IN ADDITION TO "AN ACT FOR SUPPLYING SOUTH ADAMS WITH PURE WATER."

Be it enacted, etc., as follows:

Water supply
for the South
Adams fire
district.

SECTION 1. The South Adams fire district is authorized by and through the agency of the prudential committee of said district, for the purpose of furnishing an additional supply of water for the purposes mentioned in chapter one hundred and ninety-seven of the acts of the year one thousand eight hundred and seventy-three, to take and hold, by purchase or otherwise, in addition to the water, water rights and lands now held by said district, under and by virtue of said chapter, any lands on or near Bassett's Brook in the towns of Cheshire and Adams, so far as the same may be necessary to erect and maintain one or more dams to raise and retain the water in said brook, make and maintain reservoirs, lay aqueducts for discharging said waters, preserving the purity thereof, and securing a way to and from the same.

Liability for
damages.

SECTION 2. Said district shall be liable to pay all damages sustained by any person or corporation in their property, by taking of any lands by said district for the purposes aforesaid. If any person or corporation sustain-

ing damage as aforesaid cannot agree with said district upon the amount of said damages, they may have them assessed in the manner provided by law with respect to land taken for highways.

SECTION 3. For the purpose of defraying the expenses which may be incurred by said district in carrying into effect the powers granted by this act, the town of Adams may issue from time to time notes, scrip, or certificates of debt, to be denominated on the face thereof "South Adams Water Scrip," to an amount not exceeding twenty thousand dollars, and bearing interest not exceeding six per centum per annum. Said interest shall be paid semi-annually, and the principal shall be payable at a period not more than twenty years from the issue of said notes, scrip, or certificates respectively. All notes, scrip, or certificates issued as aforesaid, shall be signed by the treasurer of said town and countersigned by the chairman of the selectmen, and a record of said notes, scrip, and certificates shall be made and kept by said treasurer. The town of Adams may loan said notes, scrip, or certificates to the South Adams fire district upon such terms and conditions as may be by said town prescribed; and said district may sell the same or any part thereof, from time to time, or pledge the same for money borrowed for the purpose aforesaid, upon such rates, or upon such terms, as said fire district shall deem proper.

Town of Adams may issue South Adams water scrip.

Town may loan scrip to fire district.

SECTION 4. The town of Adams may assess and collect upon the estates real and personal in said fire district all taxes necessary to pay the principal and interest of the notes, scrip, and certificates issued and loaned as aforesaid.

Taxes to be imposed to pay principal and interest.

SECTION 5. Said fire district shall, within six months from the time of taking any lands as before provided, file in the registry of deeds of the northern district of Berkshire an accurate description of the lands so taken; and said district shall, upon the written request of any person whose lands are so taken, furnish him with an accurate description of the same.

Description of the land taken, to be filed in registry of deeds.

SECTION 6. The provisions of section ten of said chapter are hereby extended and shall apply to any lands, dams and works taken, erected or maintained by said district under and by virtue of this act.

Provisions of 1873, 197, § 10, to apply, etc.

SECTION 7. This act shall take effect upon its passage.

Approved March 12, 1881.

Chap. 80 AN ACT TO INCORPORATE THE AMERICAN LOAN AND TRUST COMPANY.

Be it enacted, etc., as follows:

Corporators.

Name and purpose.

SECTION 1. Alexander H. Rice, William W. Clapp, Albert L. Coolidge of Boston, Levi C. Wade of Newton, and Henry M. Whitney of Brookline, their associates and successors, are hereby made a corporation by the name of the American Loan and Trust Company, for the purpose of borrowing money, and of receiving on deposit, storage, or for safe keeping, money and other property of every description, and of collecting and disbursing the income and principal of said property, when due; of loaning or advancing money or credits on real and personal security; of acting as trustee or financial or other agent for any person, firm, corporation, association, municipality, government, state or national authority, and in their behalf to negotiate loans, to sell and negotiate the sale of securities; to issue, register and countersign certificates of stock, bonds and other evidences of indebtedness, and to receive and make payments on account of the same; and to receive money and invest the same; and all the powers and privileges necessary for the execution of the above purposes are hereby granted, subject nevertheless to all the duties, restrictions and liabilities set forth in all the general laws which now are or hereafter may be in force relating to such corporations.

Capital stock and shares.

SECTION 2. The capital stock of said corporation shall be two hundred and fifty thousand dollars, to be divided into shares of one hundred dollars each, and to be paid for at such times and in such manner as the board of directors shall decide: *provided*, that no business shall be transacted by said corporation until said two hundred and fifty thousand dollars is subscribed for and actually paid in; and no certificate of shares shall be issued until the par value of such shares shall have actually been paid in, in cash. The said corporation may increase its capital stock from time to time until the same amounts to one million dollars.

Deposits may be made by administrators, trustees, etc.

SECTION 3. Any administrator, executor, assignee, guardian or trustee, any court of law, equity, probate and insolvency, may deposit or direct any moneys, property, papers, documents, and evidences of debt to be deposited with said corporation, which is hereby authorized to receive and hold the same upon such terms as may be agreed upon, but said corporation shall not be required to assume or execute any trust without its own assent.

All such moneys or properties received under the provisions of this section, shall be loaned on or invested only in the authorized loans of the United States, or of any of the New England states, or in the authorized loans of the cities, counties or towns of the New England states whose net indebtedness does not exceed three per centum of the valuation of the taxable property therein, to be ascertained by the last preceding city, county or town valuation for the assessment of taxes, or stock of any state, or national bank organized within this Commonwealth, or the first mortgage bonds of any railroad which has earned and paid regular dividends on its stock for two years next preceding such loan or investment, or first mortgages on real estate, or upon the notes of corporations created under the laws of any of the New England states, or of individuals, with a sufficient pledge as collateral of any of the aforesaid securities (but all real estate, acquired by foreclosure of mortgages, or by levy of execution, shall be sold at public auction within two years of such foreclosure or levy). All such money or property received, invested or loaned under this section shall be a special deposit in said corporation, and the accounts thereof shall be kept separate, and such funds, the investment or loans of them, shall be specially appropriated to the security and payment of such deposits, and not be subject to the other liabilities of the corporation; and for the purpose of securing the observance of this provision, said corporation shall have a trust department, with a special set of books, in which all business authorized by this section shall be kept separate and distinct from its other business.

Investments in authorized loans of the United States, New England states, etc.

To constitute a special deposit.

SECTION 4. The commissioners of savings banks shall inspect, examine and inquire into the affairs, have access to the vaults, books and papers, of said corporation; and said corporation shall make returns to the savings bank commissioners in such manner as may be prescribed by them, once in each year at least, and at other times when said commissioners shall by written notice direct the same to be made, and to the same extent as if this corporation were a savings bank. The returns of said corporation required to be made to the commissioners of savings banks shall be published in a newspaper of the city of Boston, at the expense of said corporation, and in the annual report of said commissioners.

Commissioners of savings banks to examine, etc.

Returns to be published in a newspaper in Boston.

SECTION 5. Said corporation shall be subject to the provisions of chapter two hundred and eighty-three of the acts of the year eighteen hundred and sixty-five, and any

Subject to provisions of 1865. 283.

acts now existing, or which may hereafter be passed in amendment or lieu thereof.

Returns to be made to the tax commissioner.

SECTION 6. Said corporation shall also annually between the first and tenth days of May, return to the tax commissioner a true statement, verified by the oath of the president and treasurer of the corporation, of the amount of all sums deposited with it, on interest, other than those specified in section eight of this act; together with the name of every city and town in this Commonwealth where any beneficial owner resided on said first day of May, and the aggregate amount of such deposits then held for the benefit of persons residing in each of the cities and towns under the penalties provided in section fourteen of chapter two hundred and eighty-three of the acts of the year eighteen hundred and sixty-five, and acts in amendment or lieu thereof for corporations failing to make the returns provided for in said act. Said corporation shall annually pay to the treasurer of the Commonwealth, a sum to be ascertained by assessment by the tax commissioner upon an amount equal to the total value of such deposits at three-fourths of the rate ascertained and determined by him under section five of chapter two hundred and eighty-three of the acts of the year eighteen hundred and sixty-five, and acts in amendment thereof.

To pay tax into state treasury, as assessed by tax commissioner.

Taxes not to be assessed in any town on property held in trust, or deposited on interest, or for investment.

SECTION 7. No taxes shall be assessed in any city or town, for state, county or town purposes, upon or in respect of any such property held in trust or any such amounts deposited on interest or for investment; and in regard to such sums so to be assessed and paid as aforesaid, said corporation shall be subject to sections eleven, twelve and thirteen, the last paragraph of section fifteen, and section seventeen of chapter two hundred and eighty-three of the acts of the year eighteen hundred and sixty-five and acts in amendment or lieu thereof, so far as the same are applicable thereto.

Deposits withdrawable on demand to be deemed in possession of payee.

SECTION 8. Deposits with said corporation which can be withdrawn on demand, or upon not exceeding ten days notice, shall, for purposes of taxation, be deemed money in possession of the person to whom the same is payable.

Real estate not to exceed \$250,000.

SECTION 9. Said corporation may hold real estate in the city of Boston suitable for the transaction of its business, to an amount not exceeding two hundred and fifty thousand dollars.

SECTION 10. This act shall take effect upon its passage.

Approved March 12, 1881.

AN ACT TO AMEND "AN ACT TO INCORPORATE THE BERKSHIRE WATER COMPANY." *Chap. 81*

Be it enacted, etc., as follows :

SECTION 1. Section eight of chapter one hundred and twenty-seven of the acts of the year eighteen hundred and eighty is hereby repealed, and the following substituted therefor : "The town of Lee shall have the right at any time during the continuance of the charter of said water company to purchase the corporate property and all the rights and privileges of said company, at a price which may be mutually agreed upon between said corporation and the said town of Lee ; and the said corporation is authorized to make sale of the same to said town. In case said corporation and said town are unable to agree, then the compensation to be paid shall be determined by three commissioners, to be appointed by the supreme judicial court upon application of either party, and notice to the other, whose award, when accepted by the court, shall be binding upon both parties. This authority to purchase said franchise and property is granted on condition that the same is assented to by said town by a two-thirds vote of the voters present and voting thereon at a meeting called for that purpose."

Repeal of 1880,
127, §8.

Town of Lee
may purchase
corporate rights
and property of
company.

Subject to assent
of two-thirds of
the voters.

SECTION 2. The Berkshire Water Company may issue bonds and secure the same by a mortgage on its works, structures, equipments, franchise, and other property, real or personal, to an amount which shall not exceed the capital stock of said company actually paid in and applied to the construction or completion of said Berkshire Water Company's works.

Bonds may be
issued not ex-
ceeding amount
of capital stock.

SECTION 3. This act shall take effect upon its passage.

Approved March 12, 1881.

AN ACT IN ADDITION TO AN ACT TO INCORPORATE THE MASSACHUSETTS HOSPITAL LIFE INSURANCE COMPANY. *Chap. 82*

Be it enacted, etc., as follows :

SECTION 1. It shall be lawful for the Massachusetts Hospital Life Insurance Company, in addition to the investments which it is now authorized by law to make, to invest its capital, and the moneys intrusted to it, or in any way received by it, in the first mortgage bonds of any railroad company, which has earned and paid regular dividends for two years next preceding such investment, or in the bonds of any such railroad company incorporated in the New England states, unincumbered by mortgage,

Investment of
capital and
moneys in-
trusted to
company.

or in the notes of individuals or corporations with a sufficient pledge of said bonds as collateral, in the notes of corporations created by the laws of any of the New England states, the property of which is unincumbered by mortgage, and in any stocks or securities in which savings banks now are or hereafter may be allowed to invest.

Shares in corporations held in trust for designated beneficiaries not to be taxed.

SECTION 2. Shares in corporations taxable under the provisions of chapter two hundred and eighty-three of the acts of the year eighteen hundred and sixty-five, which have been or may be conveyed to the company to be held specifically in trust for designated beneficiaries, shall not be included in the returns required by chapter two hundred and twenty-four of the acts of the year eighteen hundred and sixty-two and acts in addition thereto, or in the assessment of taxes upon such returns.

Returns to be made to commissioners of savings banks.

SECTION 3. The commissioners of savings banks shall inspect, examine and inquire into the affairs, have access to the vaults, books and papers of said corporation; and said corporation shall make returns to the savings bank commissioners in such manner as may be prescribed by them, once in each year at least, and at other times when said commissioners shall by written notice direct the same to be made, and to the same extent as if this corporation were a savings bank.

Subject to acceptance.

SECTION 4. This act shall take effect upon its acceptance by the Massachusetts Hospital Life Insurance Company.

Approved March 12, 1881.

[Accepted March 26, 1881.]

Chap. 83 AN ACT TO INCORPORATE THE MAPLE GROVE CEMETERY ASSOCIATION IN THE TOWN OF WESTPORT.

Be it enacted, etc., as follows:

Corporators.

SECTION 1. Joseph C. Little, Frederick Gifford, Alexander A. Tripp, George E. Griffin, their associates and successors, are hereby made a corporation by the name of the Maple Grove Cemetery Association, for the purpose of establishing and maintaining a place for the burial of the dead, to be located in the town of Westport in the county of Bristol, and shall have all the powers and privileges, and be subject to all the duties, liabilities and restrictions of the statutes applicable to similar corporations.

Name and purpose.

Powers and duties.

Real and personal estate.

SECTION 2. Said corporation may hold real and personal estate for the purpose aforesaid, not exceeding in amount the sum of five thousand dollars.

SECTION 3. This act shall take effect upon its passage.

Approved March 12, 1881.

AN ACT TO CHANGE THE NAME OF THE NEWTON CORNER BAPTIST CHURCH AND SOCIETY, AND TO CONFIRM THE DOINGS THEREOF. *Chap. 84*

Be it enacted, etc., as follows :

SECTION 1. The name of the Newton Corner Baptist Church and Society is hereby changed to the Newton Baptist Church and Society, and all proceedings of said corporation relating to the election of its officers heretofore are hereby ratified and confirmed, any defects or informalities therein to the contrary notwithstanding; and all acts done by any and all of said officers are hereby made valid and confirmed to the same extent as though they had been severally sworn and qualified to discharge the duties of their respective offices; and all other acts and proceedings of said corporation, which religious societies may lawfully do, so far as the same may be defective or invalid, are hereby ratified and confirmed.

Name changed.

Doings ratified.

SECTION 2. This act shall take effect upon its passage.
Approved March 12, 1881.

AN ACT TO CHANGE THE NAME OF THE CONGREGATIONAL SOCIETY OF "THE SOUTH PARISH OF WILBRAHAM." *Chap. 85*

Be it enacted, etc., as follows :

SECTION 1. The religious society in the town of Hampden now and heretofore known as "The South Parish of Wilbraham," shall be hereafter known as "The First Congregational Society of Hampden."

Name changed.

SECTION 2. The title to all property and the liabilities of said society shall be in no way changed or affected by said change of name, but remain the same as if the name had not been changed.

Title to property and liabilities of society, not affected.

SECTION 3. This act shall take effect upon its passage.
Approved March 12, 1881.

AN ACT TO INCORPORATE THE STATES UNION TELEGRAPH AND TELEGRAPH CONSTRUCTION COMPANY. *Chap. 86*

Be it enacted, etc., as follows :

SECTION 1. Chester Snow, Erastus P. Carpenter, Joseph K. Baker, Joseph W. Stover, their associates and successors, are hereby incorporated as the States Union Telegraph and Telegraph Construction Company, for the purpose of manufacturing material, machinery and equipment pertaining to the transmission of intelligence by electricity, and for constructing, maintaining and operating a line or lines of telegraph in any part of the United States and Canada, with all the powers and privileges, and subject to

Corporators.

Name and purpose.

Powers and duties.

all the duties, restrictions and liabilities, except as herein otherwise expressly provided, set forth in all general laws which now are or hereafter may be in force relating to such corporations: *provided*, that if any post is erected without the consent first obtained of the owner of the estate in front of which such post is to be erected, such owner shall have the right to sue for damages in any court within one year from such erection.

Capital stock.

SECTION 2. The capital stock of said corporation shall be five hundred thousand dollars, all of which shall be paid in cash before said corporation shall commence business, and said capital may be increased from time to time to an amount not exceeding the sum of ten million dollars.

Twenty-five trustees to be elected, who shall elect directors, etc.

SECTION 3. The stockholders of said company shall, at a meeting duly called for that purpose, elect twenty-five trustees, who shall be stockholders, to hold their office, five for five years, five for four years, five for three years, five for two years, and five for one year; and thereafter at each annual meeting five trustees shall be chosen for the term of five years. Said trustees shall annually elect a president, clerk, treasurer, and five directors of said company, in whom shall be vested the powers and duties usually exercised by such officers.

Franchise not to be sold without consent of the legislature.

SECTION 4. The franchise, charter, or any portion of the telegraph line of said corporation, shall not be leased, sold, or offered for sale or lease, to any company, or to any person or association of persons, without the consent of the legislature; and any contract made contrary to the provisions of this act shall be void. And this charter may be revoked by the legislature for any cause which it may deem sufficient.

SECTION 5. This act shall take effect upon its passage.

Approved March 14, 1881.

Chap. 87 AN ACT TO AUTHORIZE AN INCREASE OF THE CAPITAL STOCK OF THE BOSTON AND HINGHAM STEAM BOAT COMPANY.

Be it enacted, etc., as follows:

May increase capital stock.

SECTION 1. The Boston and Hingham Steam Boat Company is hereby authorized to increase its capital stock by an amount which together with the capital heretofore authorized shall not exceed in the aggregate five hundred thousand dollars, and to invest such increase in real and personal estate necessary and convenient for carrying on the business of said company: *provided*, that no shares in the capital stock hereby authorized shall be issued for a less sum, to be actually paid in on each share, than the

No shares to be issued at less than par value.

par value thereof, which shall not be less than one hundred dollars.

SECTION 2. This act shall take effect upon its passage.

Approved March 16, 1881.

AN ACT TO AMEND "AN ACT TO AUTHORIZE TOWNS TO RAISE MONEY TO CELEBRATE CERTAIN ANNIVERSARIES."

Chap. 88

Be it enacted, etc., as follows:

Section one of chapter one hundred and twelve of the acts of the year eighteen hundred and seventy-four is amended by adding at the end thereof the words "and for publishing the proceedings at any such celebrations."

Publication of proceedings at celebration of town anniversaries.

Approved March 16, 1881.

AN ACT RELATIVE TO LAW LIBRARY ASSOCIATIONS.

Chap. 89

Be it enacted, etc., as follows:

SECTION 1. Section six of chapter thirty-three of the General Statutes is hereby amended so as to read as follows: — County treasurers shall annually pay to the county law library associations in their respective counties, all sums paid into the county treasuries by the clerks of the courts during the year, but not exceeding fifteen hundred dollars in any one year; and they may also pay such further sums from the county treasury as the county commissioners deem necessary and proper. All sums so paid shall be applied to maintain and enlarge such libraries for the use of the courts and citizens. This act shall apply to all sums paid into the county treasuries by the clerks of the courts from and after the first day of January eighteen hundred and eighty-one.

Payments for benefit of county law library associations.

SECTION 2. Chapter one hundred and fifty-six of the acts of the year eighteen hundred and seventy-four is hereby repealed.

Repeal of 1874, 156.

SECTION 3. This act shall take effect upon its passage.

Approved March 16, 1881.

AN ACT IN RELATION TO THE RELEASE OF PRISONERS FROM THE REFORMATORY PRISON FOR WOMEN.

Chap. 90

Be it enacted, etc., as follows:

SECTION 1. When it shall appear to the commissioners of prisons that any person imprisoned in the reformatory prison for women has reformed, they may issue to her a permit to be at liberty during the remainder of her term of sentence, upon such conditions as they deem best; and they may revoke said permit at any time previous to its

Permit to be at liberty may be issued to reformed women, subject to revocation.

Proviso.

expiration: *provided, however*, that no permit shall be issued to a person sentenced for an offence against person or property without the consent of the court which imposed the sentence, or in case the sentence was imposed by the superior court the consent of the district attorney of the county or district where said person was convicted.

Warrant of arrest to issue if permission is revoked.

SECTION 2. Any court or trial justice having jurisdiction of criminal offences, when notified by the said commissioners that a permit has been revoked, shall issue a warrant for the arrest of the person holding said permit, and shall remand her to the prison from which she was released, where she shall be detained according to the terms of her original sentence; and in computing the period of her confinement, the time between her release upon said permit and her return to the prison shall not be taken to be any part of the term of the sentence: *provided, however*, that if the person for whose arrest said warrant is issued is confined in any prison, service of such warrant shall not be made until her release from said prison.

Proviso.

Repeal.

SECTION 3. So much of section twenty-five of chapter two hundred and ninety-four of the acts of the year eighteen hundred and seventy-nine as authorizes the commissioners of prisons to discharge persons confined in the reformatory prison for women is hereby repealed.

SECTION 4. This act shall take effect upon its passage.
Approved March 16, 1881.

Chap. 91 AN ACT AMENDING THE LAW RELATING TO APPLICATIONS FOR A JURY IN THE CITY OF BOSTON, UNDER THE GENERAL RAILROAD ACT OF THE YEAR EIGHTEEN HUNDRED AND SEVENTY-FOUR.

Be it enacted, etc., as follows:

Amendment to 1874, 372, § 5.

SECTION 1. Section five of chapter three hundred and seventy-two of the acts of the year eighteen hundred and seventy-four is amended by striking out the words "twenty-nine," and inserting in place thereof the words "seventy-nine."

Method of procedure and rights of parties.

SECTION 2. In proceedings under said section five pending at the time of the passage of this act, and which have not then resulted in a trial by jury, the method of procedure and the rights of the parties shall be the same as if the words "seventy-nine," had been originally used instead of the words "twenty-nine," except that this provision shall not affect those cases in which the defendant before trial by jury files in the court a claim to have the

method of procedure and the rights of the parties determined under said section five as originally enacted.

SECTION 3. This act shall take effect upon its passage.

Approved March 16, 1881.

AN ACT IN ADDITION TO AN ACT FOR THE LAYING OUT OF PUBLIC PARKS IN OR NEAR THE CITY OF BOSTON.

Chap. 92

Be it enacted, etc., as follows :

SECTION 1. The board of park commissioners of the city of Boston is hereby authorized and empowered to build a sea-wall on the Boston side of the lower basin of the Charles River, between Craigie's bridge and West Boston bridge, and to fill up the grounds enclosed by said wall for the purposes of a public park in accordance with the provisions of chapter one hundred and eighty-five of the acts of the year eighteen hundred and seventy-five. The said sea-wall shall be on or within the following lines :— Beginning at a point on the southerly side of Craigie's bridge distant two hundred feet perpendicular from the westerly line of Charles Street, and running southerly by a line parallel to said Charles Street to a point opposite the first angle in said street ; thence turning a similar angle and running southerly by a line parallel to and two hundred feet perpendicular again from said Charles Street to a point opposite another angle in said street, near Fruit Street ; thence turning a similar angle and running southerly by a straight line two hundred feet perpendicular from and parallel to the next adjoining portion of said Charles Street to West Boston bridge. The lines of the sea-wall aforesaid shall constitute the harbor lines beyond which no wharf, pier or other structure, and no filling in shall be extended into or over the tide water of the said basin, excepting such landing places as the said park commissioners shall build with the approval of the board of harbor and land commissioners ; and if the construction of said sea-wall and the filling in of the grounds thereby enclosed shall, in the opinion of said harbor and land commissioners, cause a projection injurious to the flow of the current and the protection of the harbor, then the said park commissioners or the city of Boston shall make suitable remedy or provision for the same by connecting the line of the said sea-wall with the present sea-wall in such manner as the said board of harbor and land commissioners shall approve, and may occupy and use any spaces thereby enclosed for the same purposes for which said sea-wall and filling in is authorized.

Sea-wall may be built in Charles River between Craigie's bridge and West Boston bridge, and grounds enclosed may be filled up for a park.

Lines of sea-wall to constitute the harbor lines.

If injurious to flow of current, remedy to be provided.

Land to be taken
by the city of
Boston and to
be used solely
for a public
park.

SECTION 2. This act is made subject to the following conditions and restrictions, namely:—The city of Boston or the said board of park commissioners shall take, by purchase or otherwise, all the land, dock and wharf property, lying westerly of said Charles Street between said bridges, under the provisions of said chapter one hundred and eighty-five of the acts of the year eighteen hundred and seventy-five, which, together with the grounds above authorized to be enclosed and filled up, shall be used solely for the purposes of a public park, facing and abutting upon the said Charles River basin. And when the city of Boston or the said park commissioners shall have taken the said land and wharf property, and built the said sea-wall, and fitted up the said grounds as a park as aforesaid, and so long as the same shall be used solely as said park, the Commonwealth will not authorize or permit any person or corporation to construct any extensions or erections from or contiguous to the water line of said park, except with the consent of said park commissioners or said city of Boston: *provided, also*, that the city of Boston or said park commissioners shall build the said sea-wall, and fill and fit up the said grounds, during the five years from and after the passage of this act.

Extensions from
water line of
park not to be
permitted.

Proviso.

SECTION 3. This act shall take effect upon its passage.

Approved March 16, 1881.

Chap. 93 AN ACT TO CHANGE THE NAME OF THE CLARENDON HILLS EVANGELICAL SOCIETY.

Be it enacted, etc., as follows:

Name changed.

SECTION 1. The name of the "Clarendon Hills Evangelical Society," is changed to the Clarendon Hills Congregational Society of Hyde Park.

SECTION 2. This act shall take effect upon its passage.

Approved March 16, 1881.

Chap. 94 AN ACT RELATIVE TO THE LOCATION OF THE ROAD OF THE MASSACHUSETTS CENTRAL RAILROAD COMPANY.

Be it enacted, etc., as follows:

Location and
construction of
road.
1880, 189, § 2.

Section two of chapter one hundred and sixty-nine of the acts of the year eighteen hundred and eighty is hereby amended by striking out all after the words "provided, however," as far as the words "that before," so that the section shall read:—The Massachusetts Central Railroad Company is hereby authorized to locate and construct its railroad over and upon such portion of the loca-

tion of the Ware River Railroad Company as it may hereafter acquire by agreement with said Ware River Railroad Company, and over and upon such portion of the location of the New London Northern Railroad Company as it may hereafter acquire by agreement with said New London Northern Railroad Company: *provided, however*, that before any change is made in its location under this act the said Massachusetts Central Railroad Company shall give a bond, with sufficient sureties, to the parties in interest, to pay all damages already caused by the acts of the railroad upon the portion of the location which may be discontinued under this act, the said bond to be approved by the county commissioners of the county where the land is situated; or shall pay said damages within six months from the passage of this act.

Bond to be given for payment of damages, before location is changed.

Approved March 16, 1881.

AN ACT TO AMEND THE CHARTER OF THE MASSACHUSETTS LOAN AND TRUST COMPANY.

Chap. 95

Be it enacted, etc., as follows:

SECTION 1. The shares of the Massachusetts Loan and Trust Company shall be assignable and transferable according to such rules and regulations as the stockholders shall for that purpose ordain and establish.

Transfer of shares.

SECTION 2. The said corporation is authorized to act as trustee, or financial or other agent for any person, firm, corporation, association, municipality, government, state, or national authority, and in their behalf to negotiate loans, to sell, and negotiate the sale of securities and other property; to issue, register and countersign certificates of stock, bonds and other evidences of indebtedness, and to receive and make payments on account of the same, and to receive money and invest the same.

May act as trustee, negotiate loans, etc.

SECTION 3. The capital stock of the said corporation may be increased from time to time, until it amounts to one million of dollars; and such increase shall be issued and paid for at such times and in such manner as the board of directors shall decide: *provided*, that no certificates of shares shall be issued until the par value of such shares shall have been actually paid in, in cash.

Increase of capital stock.

SECTION 4. Said corporation shall be entitled to purchase and hold for its own use, real estate not exceeding in value two hundred and fifty thousand dollars.

Certificates of shares not to be issued, until par value has been paid in.

Real estate not to exceed \$250,000.

SECTION 5. The returns of said corporation, required to be made to the commissioners of savings banks, shall be published in a newspaper of the city of Boston at the

Returns to be published.

expense of said corporation, and in the annual report of said commissioners.

Repeal of 1870,
323, §§ 6, 8.

SECTION 6. Sections six and eight of chapter three hundred and twenty-three of the acts of the year eighteen hundred and seventy are hereby repealed.

SECTION 7. This act shall take effect upon its passage.

Approved March 16, 1881.

Chap. 96 AN ACT TO AMEND AN ACT TO INCORPORATE THE PUBLIC LIBRARY ASSOCIATION OF HINSDALE.

Be it enacted, etc., as follows:

Three directors
may be elected
by the town of
Hinsdale,
1866, 22, § 3.

SECTION 1. Chapter twenty-two of the acts of the year eighteen hundred and sixty-six is hereby amended so that in addition to the five directors elected under section three of said act, three directors may be elected by the town of Hinsdale, as follows:—At the first annual meeting of said town hereafter held, one director shall be elected for one year, one for two years and one for three years, and at annual meetings thereafter one shall be elected for three years, and whenever a vacancy occurs in the number elected by said town it shall be filled for the unexpired term at the first annual meeting thereafter; and that said town, as long as said association maintains a public library for the inhabitants thereof, may appropriate and pay money to aid in supporting such association the same as may be done by law for the support of public libraries.

Town may ap-
propriate money
in aid of associa-
tion.

SECTION 2. This act shall take effect upon its passage.

Approved March 16, 1881.

Chap. 97 AN ACT TO AMEND “AN ACT TO AUTHORIZE THE CITY OF HAVERHILL TO ESTABLISH A HOSPITAL.”

Be it enacted, etc., as follows:

No expenses to
be incurred
beyond sums
donated there-
for.

SECTION 1. Section two of chapter seventy-seven of the acts of the year one thousand eight hundred and eighty is hereby amended by striking out in the last two lines of said section the words “or appropriated by the city council of said city for the purposes of the hospital.”

Subject to ac-
ceptance by city
council.

SECTION 2. This act shall take effect upon its acceptance by the city council of said city of Haverhill.

Approved March 16, 1881.

Chap. 98 AN ACT TO AUTHORIZE THE UNION OF THE BOSTON AND LOWELL, AND NASHUA AND LOWELL RAILROAD CORPORATIONS.

Be it enacted, etc., as follows:

May unite under
the name of the
Boston, Lowell

SECTION 1. The Boston and Lowell Railroad Corporation is authorized to unite with the Nashua and Lowell

Railroad Corporation on such terms and conditions and with such guarantees as may be mutually agreed upon by said corporations at meetings of the stockholders thereof duly called for that purpose, and with this view the former corporation is further authorized to purchase and hold the stock of the latter corporation. The name of the united corporation thus authorized shall be the Boston, Lowell and Nashua Railroad Company, and said corporation shall have and enjoy all the franchises, powers, privileges, property and rights of every kind belonging to said Boston and Lowell Railroad Corporation and to said Nashua and Lowell Railroad Corporation, or either of them, and shall assume all the duties, debts and liabilities of said corporations, but shall be subject to all general laws now or hereafter passed relating to railroad corporations, and to the provisions of section forty-one of chapter sixty-eight of the General Statutes.

and Nashua
Railroad Com-
pany.

SECTION 2. Whenever said corporations shall vote to unite as aforesaid, copies of the votes of the stockholders forming such union, certified by their respective clerks, shall be filed in the office of the secretary of the Commonwealth and also with the board of railroad commissioners.

Votes of union
to be filed in
secretary's office
and with rail-
road commis-
sioners.

SECTION 3. This act shall take effect upon its passage.

Approved March 16, 1881.

AN ACT TO INCREASE THE NUMBER OF THE BOARD OF ALDERMEN OF THE CITY OF LOWELL.

Chap. 99

Be it enacted, etc., as follows:

SECTION 1. The board of aldermen of the city of Lowell shall consist of nine members; and at any time after the acceptance of this act in the manner hereinafter provided the board of aldermen of said city may issue a warrant, as in case of vacancies occurring in said board, for the election of one additional member of said board to serve until the expiration of the present municipal year; and at the next annual election for municipal officers, and annually thereafter, there shall be chosen nine members of said board.

Board of alder-
men to consist
of nine mem-
bers.

SECTION 2. This act shall take effect if accepted within sixty days from its passage by a vote of two-thirds of the members of each branch of the city council.

Subject to ac-
ceptance within
sixty days.

Approved March 16, 1881.

Chap. 100 AN ACT AUTHORIZING ANY JUSTICE OF ANY COURT, OR COMMISSIONER OF INSOLVENCY TO APPROVE BONDS TO DISSOLVE ATTACHMENTS.

Be it enacted, etc., as follows :

Approval of bonds for dissolving attachments.

Any justice of a court of record, or district, municipal or police court, or commissioner of insolvency, may approve bonds to dissolve attachments made within his jurisdiction, and shall have the same power and authority, shall perform the same duties and shall be subject to the same regulations in reference to said bonds as is now prescribed by statute for masters in chancery.

Approved March 17, 1881.

Chap. 101 AN ACT CONCERNING RECORDS OF TOWN PROPRIETARIES, AND INDEXES IN REGISTRIES OF DEEDS.

Be it enacted, etc., as follows :

Commissioners of savings banks to see that provisions of G. S. 17, § 103, and 1874, 162, are complied with by county commissioners.

Section two of chapter one hundred and sixty-one of the acts of the year one thousand eight hundred and eighty is hereby amended by inserting in the twelfth line after the words "the various items of receipts and expenditures," as follows: "and shall examine and ascertain if section one hundred and three of chapter seventeen of the General Statutes, and chapter one hundred and sixty-two of the acts of the year one thousand eight hundred and seventy-four are complied with by the county commissioners, and in the event of any neglect or avoidance of the provisions of said section or chapter by said county commissioners, shall forthwith report the same to the attorney-general."

Approved March 17, 1881.

Chap. 102 AN ACT CONCERNING THE RIGHT OF THE COMMONWEALTH TO VOTE ON ITS STOCK IN RAILROAD CORPORATIONS.

Be it enacted, etc., as follows :

Commonwealth may vote upon each share of its stock in a railroad corporation.

Section forty-one of chapter three hundred and seventy-two of the acts of the year one thousand eight hundred and seventy-four is hereby amended by adding to said section the following words: "This section shall not be construed to prevent the Commonwealth of Massachusetts from voting upon each share of its stock in any railroad corporation."

Approved March 17, 1881.

Chap. 103 AN ACT RELATIVE TO THE TAKING OF FISH FROM THE MERRIMACK AND CONNECTICUT RIVERS AND THEIR TRIBUTARIES.

Be it enacted, etc., as follows :

Fisheries regulated.

SECTION 1. Nothing in the provisions of chapter two hundred of the acts of the year eighteen hundred and

eighty shall be construed as giving authority to take or catch fish of any kind within four hundred yards of any fishway on the Merrimack River or its tributaries, or within two hundred yards of any fishway on the Connecticut River or its tributaries, lying within this Commonwealth.

SECTION 2. This act shall take effect upon its passage.

Approved March 17, 1881.

AN ACT TO REGULATE FISHING IN THE MERRIMACK RIVER.

Chap. 104

Be it enacted, etc., as follows:

SECTION 1. Whoever takes or catches any shad or alewives in any part of the Merrimack River, or its tributaries, lying within this Commonwealth, except between sunrise on Monday morning and sunrise on Friday morning, of each week, from the first day of March to the last day of May, inclusive, in each year, shall forfeit for each alewife so taken a sum not less than one dollar nor more than five dollars, and for each shad so taken a sum not less than five nor more than twenty dollars.

Shad and alewife fisheries regulated.

SECTION 2. Whoever uses a net of any kind or description in the waters of the Merrimack River, or its tributaries, lying within this Commonwealth, from the first day of June in each year to the last day of February in the year next succeeding, inclusive, shall forfeit for each offence the sum of twenty-five dollars.

Net not to be used from first day of June to last day of February.

SECTION 3. Section one of chapter one hundred and forty-four of the acts of the year eighteen hundred and seventy-four is hereby repealed.

Repeal of 1874, 144, § 1.

SECTION 4. This act shall take effect upon its passage.

Approved March 17, 1881.

AN ACT TO INCLUDE THE TOWN OF WASHINGTON WITHIN THE JURISDICTION OF THE DISTRICT COURT OF CENTRAL BERKSHIRE.

Chap. 105

Be it enacted, etc., as follows:

The town of Washington in the county of Berkshire shall hereafter belong to and constitute a part of the judicial district under the jurisdiction of the district court of Central Berkshire.

Jurisdiction.

Approved March 17, 1881.

AN ACT TO AUTHORIZE THE PROPRIETORS OF BRANDT ISLAND TO MAINTAIN A BRIDGE FROM THE ISLAND TO THE MAIN-LAND.

Chap. 106

Be it enacted, etc., as follows:

SECTION 1. The proprietors of Brandt Island in the town of Mattapoisett, county of Plymouth, are hereby authorized to construct and maintain a bridge, without a

Bridge across Brandt Island Cove.

Proviso.

draw, connecting their lands and crossing Brandt Island Cove: *provided*, the license of the board of harbor and land commissioners is first obtained, as provided by law in cases above the line of some existing bridge or other structure authorized by law in which there is in fact no draw, and in which the law does not require that a draw be constructed or maintained.

SECTION 2. This act shall take effect upon its passage.

Approved March 18, 1881.

Chap. 107 AN ACT TO EXTEND THE TIME WITHIN WHICH THE MASSACHUSETTS INSTITUTE OF TECHNOLOGY MAY ERECT BUILDINGS ON CERTAIN LAND IN THE CITY OF BOSTON.

Be it enacted, etc., as follows:

Time for erection of buildings, extended.

SECTION 1. Chapter one hundred and thirty-one of the acts of the year eighteen hundred and seventy-seven is hereby so amended that the time within which the Massachusetts Institute of Technology may erect a suitable building for the permanent use of said institute, upon the land described in chapter one hundred and seventy-four of the acts of the year eighteen hundred and seventy-three, shall be extended for the term of five years from the eleventh day of April in the year eighteen hundred and eighty-one.

May exchange land with the city of Boston for other land, etc.

SECTION 2. The Massachusetts Institute of Technology is hereby authorized at any time within said term of five years to exchange said parcel of land with the city of Boston for other land, or for adequate consideration to release its interest in said parcel to said city, and on said exchange or release said city of Boston may hold, occupy and control said parcel of land forever free from rent or charge by the Commonwealth, upon condition that it shall forever be kept open as a public park by said city; said lot to be subject to the limitations and stipulations relative to lands of the Commonwealth on the south side of Boylston Street, and to be reserved from sale forever; and upon the further condition that the city of Boston shall acquire, by purchase or otherwise, the remainder of the trapezoid of land of which said parcel is a part, lying westerly thereof and between said parcel and Dartmouth Street, and shall appropriate it to the same purpose.

Commonwealth to take land, if appropriated by city to any other use.

SECTION 3. In case said city shall appropriate said parcel of land, hereby granted, to any purpose foreign to that for which it is granted, then the Commonwealth after due notice given may enter upon said parcel and take possession thereof, and the right of the city of Boston to the

use, occupation and control of said lot shall thereupon cease.

Approved March 18, 1881.

AN ACT TO AUTHORIZE THE NEWTON AND WATERTOWN GAS LIGHT COMPANY TO LAY PIPES IN WESTON AND NEEDHAM, AND TO INCREASE ITS CAPITAL STOCK.

Chap. 108

Be it enacted, etc., as follows :

SECTION 1. The Newton and Watertown Gas Light Company is hereby authorized to lay and maintain pipes, for the purpose of supplying gas, within the towns of Weston and Needham, or either of them, subject to the provisions of the general laws relating to gas light corporations.

May lay pipes in Weston and Needham.

SECTION 2. The said corporation is hereby authorized to increase its capital stock to an amount not exceeding five hundred thousand dollars, and may hold real estate not exceeding in value two hundred thousand dollars.

Capital stock and real estate.

SECTION 3. This act shall take effect upon its passage.

Approved March 18, 1881.

AN ACT TO INCORPORATE THE TRUSTEES OF THE SWAIN FREE SCHOOL.

Chap. 109

Be it enacted, etc., as follows :

SECTION 1. Lincoln F. Brigham of Salem, William W. Crapo, Edward D. Mandell, Andrew G. Peirce, George H. Dumbear, Charles W. Clifford, William J. Potter, Charles H. Pierce and Edmund Grinnell, all of New Bedford, and their associates who may be elected under the provisions of the will of William W. Swain late of said New Bedford to fill existing vacancies in the board of trustees named in said will, and their successors, are hereby incorporated by the name of the Trustees of the Swain Free School, with all the powers and privileges requisite for carrying into full effect the provisions of said will, and with all the powers, rights and privileges, and subject to all the duties, restrictions and liabilities set forth in all general laws which now are or hereafter may be in force and applicable to such corporations.

Corporators.

Name.

Powers and duties.

SECTION 2. Said corporation may take and hold all and singular the estate, real and personal, devised and bequeathed by the said William W. Swain by his said will and codicil to his trustees therein named for the purposes aforesaid, together with its accumulations heretofore made, and may take and hold any other and further estate, real and personal, which may be acquired by them by gift, devise, purchase or otherwise for the same purposes: *pro-*

May take and hold estate bequeathed by William W. Swain.

Not to exceed
\$400,000.

Executor and
trustees may
convey estate to
corporation.

Jurisdiction of
the S. J. C. in
equity, not to
be impaired.

vided, however, that the actual value of the real and personal estate by them so held and possessed shall not exceed the sum of four hundred thousand dollars, all of which estates shall be devoted and appropriated exclusively for the purposes of education in the manner set forth in said will and codicil.

SECTION 3. After the organization of the corporation created by this act, the surviving executor of the said will of William W. Swain and the trustees now holding under the appointment of the probate court within and for the county of Bristol, and Charles W. Clifford his and their attorney, are hereby authorized to convey the estate, real and personal, now in their possession or standing in their names or in the name of the estate of William W. Swain or of the executors of the will or estate of William W. Swain or of Charles W. Clifford attorney for Lincoln F. Brigham, surviving executor of the will of William W. Swain, or however the same may be expressed, to said corporation, and upon the allowance in said probate court of the account of said trustees from the date of the allowance of the final account of said surviving executor to the date of said conveyance to said corporation, said trustees shall be discharged by said probate court.

SECTION 4. Nothing in this act shall be construed to impair the jurisdiction of the supreme judicial court, sitting in equity, to grant to said corporation authority to sell and dispose of its real estate; but said corporation shall, in the execution of the purposes for which it is created, be held to have the same powers, and be subject to the same limitations in respect thereof, which are applicable to the said trustees by the provisions of said will.

SECTION 5. This act shall take effect upon its passage.

Approved March 18, 1881.

Chap. 110 AN ACT RELATIVE TO MORTGAGED LANDS TAKEN FOR PUBLIC USES UNDER AUTHORITY OF LAW.

Be it enacted, etc., as follows:

Rights of mort-
gagors and
mortgagees
when lands
are taken for
public uses.

Whenever mortgaged lands are taken for public uses under authority of law, both mortgagors and mortgagees, in addition to their rights under the mortgage, shall have the same powers, rights and privileges, and be subject to the same liabilities and duties, now provided by law in the case of mortgaged lands so taken by railroad corporations.

Approved March 18, 1881.

AN ACT TO PROHIBIT THE ENTRY UPON AND TAKING OF LANDS FOR THE CONSTRUCTION OF ANY RAILROAD BEFORE THE COUNTY COMMISSIONERS HAVE DETERMINED THE QUESTION OF CROSSINGS OF HIGHWAYS AND OTHER WAYS.

Chap. 111

Be it enacted, etc., as follows:

SECTION 1. No railroad corporation shall take by purchase or otherwise, or enter upon or use except for making surveys, any land or other property, in any county, for the construction of its road, or of any branch or extension thereof, until the county commissioners of the county wherein such land or other property is situated, have determined, after hearing the parties, the manner in which said roads shall cross the highways and other ways within such county, and until it has also obtained from the board of railroad commissioners the consent required by chapter seventy-three of the acts of the year eighteen hundred and seventy-six in all cases where the county commissioners adjudge that public necessity requires the crossing at the same level; and notice of such hearing before the county commissioners shall be given by publication in one or more newspapers published in such county, for three successive weeks, the last publication to be at least seven days prior to the hearing.

Land not to be taken for construction of road until question of crossings of highways, etc., has been determined by county commissioners.

SECTION 2. The board of railroad commissioners shall, before causing to be filed the certificate under section two of chapter two hundred and fifteen of the acts of the year eighteen hundred and seventy-eight, ascertain that the authority and consent required by section one of this act have been obtained.

Railroad commissioners to see that provisions of sect. 1 are complied with, before certifying under 1878, 215, § 2.

SECTION 3. No railroad corporation shall be authorized to enter upon or use any land or other property, except for making surveys, until it has duly filed with the commissioners of the county wherein the same is situated, the location of its road therein.

Land not to be taken until location is filed.

SECTION 4. The supreme judicial court shall have full equity jurisdiction in case of any violation of the provisions of this act.

S. J. C. to have full equity jurisdiction.

SECTION 5. This act shall take effect upon its passage.

Approved March 18, 1881.

Chap. 112 AN ACT AMENDING CHAPTER TWO HUNDRED AND ELEVEN OF THE ACTS OF THE YEAR EIGHTEEN HUNDRED AND EIGHTY, RELATIVE TO THE DESCENT OF REAL ESTATE OF HUSBAND AND WIFE DYING INTTESTATE AND WITHOUT ISSUE.

Be it enacted, etc., as follows:

Amendment to
1880, 211, § 1.

SECTION 1. The first section of chapter two hundred and eleven of the acts of the year eighteen hundred and eighty is hereby amended by inserting after the word "deceased," the following words, "remaining after the payment of the debts of the deceased."

Partition of
real estate.
1880, 211, § 2.

SECTION 2. Section two of said chapter two hundred and eleven is hereby amended by inserting after the words "*provided, however,*" the words "that when the real estate of such deceased person is held in common and undivided, the court may, upon such petition, after notice as in case of other partitions, authorize the commissioners to make partition thereof or of so much as may be necessary to complete such assignment without other or further partition of the common estate, and such assignment shall be binding and conclusive, as in cases of assignment of dower and."

Approved March 18, 1881.

Chap. 113 AN ACT RELATING TO SUITS BROUGHT BY OR AGAINST EXECUTORS, ADMINISTRATORS, GUARDIANS, TRUSTEES, ASSIGNEES OR CORPORATIONS.

Be it enacted, etc., as follows:

Suits brought
by or against
executors, trus-
tees, etc., or
corporations.

In all suits at law or in equity when it appears from the papers or pleadings that the plaintiff or defendant, as the case may be, sues or is sued as executor, administrator, guardian, trustee, assignee, or a corporation, such fact shall be taken as admitted, unless the party controverting the same shall file in court, within ten days from the time allowed for answer, a special demand for proof that the plaintiff or defendant is such executor, administrator, guardian, trustee, assignee, or corporation.

Approved March 18, 1881.

Chap. 114 AN ACT TO REQUIRE COPIES OF COMPLAINTS OR INDICTMENTS TO BE SENT WITH PRISONERS SENTENCED TO THE STATE PRISON OR TO THE REFORMATORY PRISON FOR WOMEN.

Be it enacted, etc., as follows:

Copy of indiet-
ment, etc., and
names of wit-
nesses to be sent
to keeper of
prison.

SECTION 1. Whenever any person is sentenced to the state prison, or to the reformatory prison for women, the court imposing the sentence shall transmit to the warden or superintendent, as the case may be, an attested copy of

the complaint or indictment under which such person was convicted, together with the names of the witnesses testifying for and against such person at his trial, and no fee shall be charged or allowed for making the copies required by this act.

No fees allowed for copies.

SECTION 2. This act shall take effect upon its passage.

Approved March 18, 1881.

AN ACT TO AMEND "AN ACT FIXING THE TIME AND PLACE OF HOLDING PROBATE COURTS IN THE COUNTY OF SUFFOLK."

Chap. 115

Be it enacted, etc., as follows :

SECTION 1. Section one of chapter one hundred and twenty-seven of the acts of the year eighteen hundred and seventy-eight is hereby amended by inserting in the third line, before the word "second," the word "first."

One session of the court in August on the third Monday.

SECTION 2. This act shall take effect upon its passage.

Approved March 18, 1881.

AN ACT TO AUTHORIZE THE HARTFORD AND CONNECTICUT VALLEY RAILROAD COMPANY TO BUILD A RAILROAD IN MASSACHUSETTS.

Chap. 116

Be it enacted, etc., as follows :

SECTION 1. The Hartford and Connecticut Valley Railroad Company of Connecticut is authorized to build and operate a railroad, from a point in the dividing line between Massachusetts and Connecticut, northerly and near the west bank of the Connecticut river, through the towns of Agawam and West Springfield and a part of the town of Holyoke, so as to connect and intersect with the Connecticut River Railroad, at said Holyoke: *provided*, that the railroad hereby authorized shall be located and constructed in conformity with and subject to the provisions of law now or hereafter in force relating to railroad corporations.

Hartford and Connecticut Valley Railroad Company may build road to connect with Connecticut River Railroad at Holyoke.

SECTION 2. One or more directors of said railroad company shall reside in this state; and all process against said corporation may be legally served by copy given any such director in hand or left at his residence; and, as to its railroad and property in this state and the use and management thereof, said corporation shall be subject to the general laws which are now or hereafter may be in force in relation to railroad corporations.

One or more directors to reside in this state, on whom process may be served.

SECTION 3. No stock in addition to the eight hundred thousand dollars now paid in and no bonds shall be issued except in conformity with the general railroad laws of Massachusetts.

Stock and bonds.

Subject to
acceptance.

SECTION 4. This act shall not take effect until it has been accepted at a legal meeting of said company called for that purpose, and an attested copy of the vote of acceptance has been filed in the office of the secretary of this Commonwealth.

To be located
within two
years and built
within four
years.

SECTION 5. This act may be amended or repealed at the pleasure of the legislature, and shall be void unless the road is located within two years, and built within four years, after its passage. *Approved March 22, 1881.*

[Accepted April 23, 1881.]

Chap. 117 AN ACT FOR THE REGULATION AND INSPECTION OF BUILDINGS IN
THE CITY OF BOSTON.

Be it enacted, etc., as follows:

Windows, etc.,
not to be built
into or over
streets, etc.

SECTION 1. No person shall hereafter erect, place, construct, or cause to be erected, placed or constructed, or shall commence to erect, place or construct, any window or other projection into or over any public highway, street, causeway, bridge or square within the city of Boston, except as hereinafter provided.

May be built,
with permission
of inspector of
buildings.

SECTION 2. The inspector of buildings of the city of Boston may permit the building of windows or other projections over any public highway, street, causeway, bridge or square, of the width of forty feet or more within said city: *provided*, said window or projection shall be built of brick, stone, iron or other fire proof material firmly secured to the building with no part of it less than ten feet above the highest point of the sidewalk immediately beneath, and shall not in any case project more than three feet from the line of the building, nor extend beyond a line drawn horizontally from the nearest corner of the adjacent lot at an angle of thirty degrees with the street line; and *provided, also*, that such window or projection shall not infringe upon any vested rights of any parties affected thereby.

Penalty for
violation.

SECTION 3. If any person shall violate the provisions of the foregoing sections he shall, upon the application of the inspector of buildings of the city of Boston, be liable to the processes of law and equity set forth in the twenty-third section of chapter three hundred and seventy-one of the acts of the year eighteen hundred and seventy-two.

Repeal.

SECTION 4. Chapter eighty-four of the acts of the year eighteen hundred and seventy-seven is hereby repealed.

Approved March 22, 1881.

AN ACT IN RELATION TO THE APPOINTMENT OF A PROBATION OFFICER IN THE CITY OF BOSTON. *Chap. 118*

Be it enacted, etc., as follows :

The appointment of a probation officer under the provisions of chapter one hundred and ninety-eight of the acts of the year eighteen hundred and seventy-eight, shall in all cases be subject to the confirmation of the board of aldermen of the city of Boston, and said officer shall hold his office until removed by the mayor and aldermen of said city ; and he shall make to the commissioners of prisons the reports required of probation officers under the provisions of chapter one hundred and twenty-nine of the acts of the year eighteen hundred and eighty.

Probation officer in Boston to make reports to commissioners of prisons.

Approved March 22, 1881.

AN ACT CONCERNING THE RUNNING OF RAILROAD TRAINS ON THE LORD'S DAY. *Chap. 119*

Be it enacted, etc., as follows :

SECTION 1. The board of railroad commissioners may authorize the running upon any railroad, on the Lord's Day, of such through trains as in the opinion of the board the public necessity and convenience may require, having regard to the due observance of the day.

Running of certain trains on the Lord's Day.

SECTION 2. This act shall take effect upon its passage.

Approved March 22, 1881.

AN ACT TO AUTHORIZE RAILROAD COMPANIES TO DISCONTINUE GRADE CROSSINGS. *Chap. 120*

Be it enacted, etc., as follows :

SECTION 1. Whenever two or more railroad corporations whose tracks cross each other at grade agree to separate the grades, they may make application to the board of railroad commissioners who shall thereupon determine when, in what manner and by which corporation, said work and each portion thereof shall be done, and shall also apportion among the said corporations all charges and expenses occasioned by making such alterations and all future charges for keeping in repair the necessary structures connected therewith ; and the supreme judicial court shall have jurisdiction in equity to compel compliance with all orders, decrees and judgments of said board in the premises.

May discontinue crossings at grade, with approval of railroad commissioners.

SECTION 2. For the purposes aforesaid the said corporations under the direction of said board are empowered to make all necessary changes in the grade, location and

May make changes in grade, etc.

construction of said railroads, and so far as may be necessary to take additional land therefor, and to raise, lower or otherwise change any and all highways and town ways.

Liability for
damages.

SECTION 3. In the exercise of the powers granted by this act, said railroad companies and any person who shall sustain any damages thereby, shall have all the rights, privileges and remedies, and be subject to all the duties, liabilities and restrictions provided by the general laws of the Commonwealth in the case of land taken by railroad companies.

SECTION 4. This act shall take effect upon its passage.

Approved March 22, 1881.

Chap. 121

AN ACT TO AMEND CHAPTER THREE HUNDRED AND EIGHTY-ONE OF THE ACTS OF THE YEAR EIGHTEEN HUNDRED AND SEVENTY-ONE CONCERNING STREET RAILWAY CORPORATIONS.

Be it enacted, etc., as follows:

Repair of roads
and bridges by
street railway
corporations.

SECTION 1. Section twenty-one of chapter three hundred and eighty-one of the acts of the year one thousand eight hundred and seventy-one is hereby amended by inserting therein, after the word "repair," in the second line thereof, the words "the paving, upper planking or other surface material of," so that said section as amended shall read as follows:—Every corporation, its lessees or assigns, shall keep in repair the paving, upper planking or other surface material of such portions of any paved streets, roads and bridges as are occupied by its tracks; and when such tracks occupy streets or roads that are not paved it shall, in addition to the portion occupied by its tracks, keep in repair eighteen inches on each side thereof to the satisfaction of the superintendent of streets, the street commissioner or the surveyors of highways, and shall be liable for any loss or injury that any person may sustain by reason of any carelessness, neglect or misconduct of its agents and servants in the construction, management and use of its tracks.

SECTION 2. This act shall take effect upon its passage.

Approved March 22, 1881.

Chap. 122

AN ACT IN RELATION TO COSTS IN TRIALS HAD IN THE SUPERIOR COURT INSTEAD OF BEFORE SHERIFFS' JURIES.

Be it enacted, etc., as follows:

Costs in trials in
superior court.
1873, 261.

In all cases where an award has been made and either party makes application for a jury to the superior court under the provisions of chapter two hundred and sixty-

one of the acts of the year eighteen hundred and seventy-three, if upon trial damages are increased beyond the award, the party in whose favor the award was made shall recover his costs; otherwise he shall pay costs; and costs shall be taxed as in civil cases.

Approved March 22, 1881.

AN ACT TO AUTHORIZE THE ATTACHMENT BY THE TRUSTEE PROCESS OF FUNDS, CREDITS AND DIVIDENDS IN THE HANDS OF RECEIVERS.

Chap. 123

Be it enacted, etc., as follows:

Funds, credits or dividends due from or in the hands of receivers appointed by any court may, after an order of distribution thereof, be attached by the trustee process.

Funds in hands of receivers may be attached by trustee process.

Approved March 22, 1881.

AN ACT RELATIVE TO ATTACHMENTS IN SUITS AGAINST THE OWNERS, OFFICERS OR SEAMEN OF SHIPS OR VESSELS.

Chap. 124

Be it enacted, etc., as follows:

No ship or vessel shall be attached on mesne process in any common law action unless a declaration is inserted in the writ before the service thereof, nor unless the plaintiff or some person in his behalf makes affidavit and proves to the satisfaction of some justice of a court of record, police, district or municipal court, judge of a probate court, master in chancery, commissioner of insolvency, and, except in the county of Suffolk, trial justice, or any justice of the peace, that he has a good cause of action and reasonable expectation of recovering a sum amounting, exclusive of all costs, to at least one-third the damages demanded in such writ; and such affidavit and the certificate of the magistrate that he is satisfied the same is true shall be annexed to the writ.

Vessel not to be attached on mesne process, unless declaration is inserted in writ, etc.

Approved March 22, 1881.

AN ACT PROVIDING FOR READING MATTER IN JAILS AND HOUSES OF CORRECTION.

Chap. 125

Be it enacted, etc., as follows:

SECTION 1. The keeper of any jail, or the master of any house of correction, may expend annually, for books and papers for the use of prisoners in his custody, a sum not exceeding one hundred dollars. The sum so expended by any keeper or master shall be allowed and paid to him by the treasurer of the county in which said jail or house of correction is located.

Reading matter for prisoners in jails and houses of correction.

SECTION 2. This act shall take effect upon its passage.

Approved March 22, 1881.

Chap. 126 AN ACT TO PROVIDE FOR AIDING PRISONERS DISCHARGED FROM JAILS AND HOUSES OF CORRECTION.

Be it enacted, etc., as follows:

Aid for prisoners discharged from jails and houses of correction.

SECTION 1. The keeper of any jail or the master of any house of correction, with the approval of the county commissioners, may expend in aiding any prisoner discharged from his custody, such sum, not exceeding ten dollars in any case, as in his opinion will assist said prisoner in his endeavors to reform. The money so expended may in the discretion of said keeper or master, be paid to said prisoner, or to such person, to be expended in behalf of said prisoner, as said keeper or master may select, or for furnishing said prisoner with board, clothing, transportation or tools. The amount so expended by any keeper or master under the provisions of this section shall be allowed and paid to him by the treasurer of the county in which said jail or house of correction is located.

Expense to be paid by the county.

SECTION 2. This act shall take effect upon its passage.

Approved March 22, 1881.

Chap. 127 AN ACT TO PROVIDE FOR THE ISSUE OF SUMMONSES INSTEAD OF WARRANTS FOR ARREST FOR CERTAIN MINOR OFFENCES.

Be it enacted, etc., as follows:

Summons to issue instead of a warrant.

SECTION 1. Upon a complaint for any criminal offence of a class within the jurisdiction of trial justices a summons shall issue instead of a warrant for arrest, if in the judgment of the court or magistrate receiving the complaint there is no reason to suspect that the accused will evade.

Summons to fix day and hour for trial.

SECTION 2. The summons shall fix a day and hour of appearance for trial, and shall be served by an officer empowered to serve criminal process, by giving to the accused in hand or leaving at his last and usual place of abode an attested copy, not less than twenty-four hours before the return hour. The fee for service shall be the same which the officer would receive for the service of a subpoena in the same case; and for attendance before the court or magistrate an officer shall be allowed a fee such as may be taxed for attendance and keeping prisoner in case of an arrest.

Fee for service.

Defendant failing to appear to be considered in contempt of court.

SECTION 3. If a defendant so summoned fails to appear and abide the orders of the court or magistrate without a reasonable excuse, such failure shall be considered a contempt of court and may be punished by a fine not exceeding twenty dollars. A warrant may issue at any

time after the issue of such summons, if occasion arises, whether the summons has been served or not.

SECTION 4. If a defendant so summoned duly appears he may be ordered to recognize for further appearance, but he shall not be required to give surety upon his recognition at any stage of the prosecution without a special order.

May be ordered to recognize for further appearance.

SECTION 5. This act shall require no change in the form of complaints or warrants.

No change in form of complaints, etc.

SECTION 6. This act shall take effect upon its passage.
Approved March 23, 1881.

AN ACT TO ESTABLISH THE SECOND DISTRICT COURT OF EASTERN
MIDDLESEX. *Chap. 128*

Be it enacted, etc., as follows:

SECTION 1. The towns of Watertown, Weston and Waltham shall constitute a judicial district, under the jurisdiction of the court hereby established under the name of the Second District Court of Eastern Middlesex. Said court shall, except as is hereinafter provided, have the same jurisdiction, power and authority, and shall perform the same duties and be subject to the same regulations, as are provided with respect to existing police or district courts, except the municipal courts of Boston and Worcester, by chapter one hundred and sixteen of the General Statutes, and by all general laws passed in amendment thereof applicable to the several police or district courts of the Commonwealth; and all provisions of law relating to criminal and civil proceedings, the taxation of costs, the payment of fines, the expenses of court, the accounting and settling with county and town for money paid into court as forfeitures or otherwise, and all the other returns and requirements of law applicable to the several police or district courts of the Commonwealth, except those before mentioned, shall apply to the Second District Court of Eastern Middlesex hereby established.

Second District Court of Eastern Middlesex established.

Jurisdiction.

SECTION 2. Said district court shall consist of one standing justice and two special justices, to be appointed, commissioned and qualified pursuant to the constitution and laws.

To consist of one standing justice and two special justices.

SECTION 3. Said court shall be held in Waltham, for criminal business daily, except on Sundays and legal holidays, in some suitable place to be furnished by the county of Middlesex; and said court shall be held for civil business on one day at least of each week.

To be held in Waltham.

SECTION 4. The standing justice of said court shall

Salary of justice.

Special justices. receive a salary of one thousand two hundred dollars a year, and at the same rate for any part of a year. The compensation of the special justices shall be determined and paid in the manner now provided by law for the special justices of the police courts.

Proceedings commenced, to be prosecuted, etc. SECTION 5. All proceedings duly commenced before any trial justice for said county within said district, or before any police, district or municipal court, before this act takes full effect, shall be prosecuted and determined as if this act had not been passed.

To take full effect June 1, 1881. SECTION 6. This act shall take effect, so far as relates to appointing, commissioning and qualifying the justice and special justices of said court, on its passage; and shall take full effect on the first day of June next.

Approved March 24, 1881.

Chap. 129 AN ACT IN ADDITION TO THE ACTS FOR THE PURPOSE OF SUPPLYING THE CITY OF BOSTON WITH PURE WATER.

Be it enacted, etc., as follows :

Water supply for high service in Boston. SECTION 1. For the purpose of supplying water to its inhabitants, and especially for the purpose of increasing the supply of water which can be used for its high service, the city of Boston is hereby authorized by and through the agency of the Boston water board to construct and maintain new reservoirs, and connect the same by aqueducts and pipes with its present sources of water supply, and with its present reservoirs, aqueducts and pipes, and to construct and maintain new works and pumping stations in connection with said new reservoirs; and for this purpose may take and hold by purchase or otherwise any lands or real estate necessary therefor, situate in the cities of Boston or Newton, or in the town of Brookline, and lay said aqueducts and pipes over or under any water-course or any streets, turnpike roads, railroads, highways or other ways, in such manner as not to unnecessarily obstruct or impede the travel thereon; and may enter upon and dig up any such roads, streets or ways, for the purpose of laying down said pipes beneath the surface thereof, and for maintaining and repairing the same; but always in such manner and with such care as not to render the roads, streets and ways unnecessarily unsafe or inconvenient to the public travel thereon. And said city of Boston in performing said work shall not unnecessarily interfere with any existing sewers, water or gas pipes, and shall be subject to such reasonable regulations as to time, place and manner of digging up any streets or ways of

May take and hold land, etc.

May dig up streets.

Subject to reasonable regulations made by Newton and Brookline.

public travel for the purposes aforesaid, and the laying of said pipes, as shall be made by the city council of the city of Newton or the selectmen of the town of Brookline, within the limits of said city or town, for the protection of their rights of drainage and sewerage therein and the public rights of passage thereon.

SECTION 2. Whenever the city of Boston shall dig up any street or way as aforesaid, it shall restore the same to as good order and condition as the same shall be in when such digging commenced; and the city of Boston shall at all times indemnify and save harmless the city of Newton and the town of Brookline against all damage which may be recovered against them respectively, and shall reimburse to them respectively all expenses which they shall incur by reason of any defect or want of repair in any street or way, caused by the construction of said aqueduct or the laying of said pipes, or by the maintaining or repairing the same: *provided*, that the city of Boston shall have due and reasonable notice of all claims for such damages or injury, and opportunity to make a legal defence thereto.

Streets to be restored to good order and condition.

Newton and Brookline to be indemnified for damage.

Proviso.

SECTION 3. The city of Boston shall be liable to pay all damages that shall be sustained by any persons in their property by the taking of any land or real estate or the laying of said pipes as aforesaid; and any person sustaining damage as aforesaid may have the same ascertained, determined, collected and paid in the manner which is provided in sections six, seven and eight of chapter one hundred and sixty-seven of the acts of the year eighteen hundred and forty-six.

Boston to pay all land damage, etc.

SECTION 4. Upon requisition by the city council of the city of Newton, or the board of selectmen of the town of Brookline, prior to the laying of the said aqueduct and pipes through their respective limits, the city of Boston shall insert a number of hydrants in said pipes at points not less than one thousand feet apart, to be used for extinguishing fires, free of charge, and for no other purpose; and said city or town shall pay to the city of Boston the expense of inserting and keeping in repair such hydrants as shall have been so inserted upon their requisitions aforesaid within their respective limits.

Hydrants to be inserted upon request of Newton or Brookline.

SECTION 5. This act shall take effect upon its acceptance by the city council of the city of Boston.

Subject to acceptance by city council of Boston.

Approved March 24, 1881.

Chap. 130 AN ACT TO AMEND "AN ACT TO SUPPLY THE TOWN OF NATICK WITH PURE WATER."

Be it enacted, etc., as follows:

Amendment to
1873, 76, § 1.

SECTION 1. Section one of chapter seventy-six of the acts of the year eighteen hundred and seventy-three is hereby amended by inserting in the fifth line of said section, after the word "domestic," and before the word "purposes," the words "and other."

SECTION 2. This act shall take effect upon its passage.

Approved March 24, 1881.

Chap. 131 AN ACT TO AUTHORIZE THE CITY OF HAVERHILL TO OCCUPY A PORTION OF A PUBLIC LANDING IN SAID CITY.

Be it enacted, etc., as follows:

City may erect a
building on a
public landing.

SECTION 1. The city of Haverhill is hereby authorized to erect a building, for the purposes of its fire department, on the public landing on the bank of the Merrimack River upon the southerly side of Water Street, near the foot of Lindell Street in said city, and to use and occupy, for the purposes aforesaid, a portion of said landing not exceeding in dimensions thirty feet on said Water Street by twenty feet in depth.

Assessment of
damages.

SECTION 2. Any owner of an interest in the land taken or used under this act may have his damages determined in the manner provided for assessing damages in the case of laying out highways.

Approved March 24, 1881.

Chap. 132 AN ACT TO MAKE LEGAL THE ACTION OF THE TOWN OF SANDISFIELD IN RE-ESTABLISHING THE SCHOOL DISTRICT SYSTEM.

Be it enacted, etc., as follows:

Re-establish-
ment of school
district system
ratified.

SECTION 1. The action of the town of Sandisfield, taken at a meeting called and held in the year eighteen hundred and seventy for the purpose of re-establishing the school district system in said town, is hereby confirmed, ratified and made valid, notwithstanding any errors, informalities or omissions whatever connected therewith, to all intents and purposes and to the same extent as if no such errors, informalities or omissions had occurred or existed.

SECTION 2. This act shall take effect upon its passage.

Approved March 24, 1881.

AN ACT TO LEGALIZE THE DOINGS OF THE SANDWICH DISTRICT
CAMP-MEETING ASSOCIATION, AND TO CHANGE ITS NAME.

Chap. 133

Be it enacted, etc., as follows :

SECTION 1. The organization of the Sandwich District Camp-meeting Association as a corporation, made at Yarmouth on the twenty-second day of December in the year eighteen hundred and sixty-two, is hereby made valid to the same legal effect as if the articles of association thereof had been subscribed by Pardon T. Kenney, Thomas Hilliard, Rufus Thatcher, William H. Richards, Richard M. Smith, Obed Nickerson and Thomas F. Atkins, the original associate members at the time of said organization, and as if the same had been duly recorded with such signatures at the office of the register of deeds for the county of Barnstable.

Organization
made valid.

SECTION 2. The name of said corporation is hereby changed to the Yarmouth Camp-meeting Association, and the same shall continue to be a corporation under the constitution and by-laws heretofore adopted by said Sandwich District Camp-meeting Association. The title of all lands heretofore conveyed to the Sandwich District Camp-meeting Association is hereby confirmed to the Yarmouth Camp-meeting Association.

Name changed
to Yarmouth
Camp-meeting
Association.

SECTION 3. This act shall take effect upon its passage.

Approved March 24, 1881.

AN ACT TO AMEND THE CHARTER OF THE WORCESTER SAFE
DEPOSIT AND TRUST COMPANY.

Chap. 134

Be it enacted, etc., as follows :

SECTION 1. The Worcester Safe Deposit and Trust Company may be appointed trustee under any will or instrument creating a trust, for the care and management of property, under the same circumstances, in the same manner, and subject to the same control by the court having jurisdiction of the same, as in the case of a legally qualified person. The capital stock of said corporation, with the liabilities of the stockholders existing thereunder, shall be held as security for the faithful discharge of the duties undertaken by virtue of this act, and no surety shall be required upon the bonds filed by said corporation. In all proceedings in the probate court or elsewhere, connected with any authority exercised under this act, all accounts, returns and other papers may be signed and sworn to in behalf of the corporation, by any officer thereof duly authorized by it ; and the answers and examinations, under oath, of such officer, shall be received as the answers and

May be ap-
pointed trustee
under any in-
strument creat-
ing a trust.

Capital stock,
etc., to be se-
curity for faith-
ful discharge of
duties.

examinations of the corporation, and the court may order and compel any and all officers of said corporation to answer and attend said examinations in the same manner as if they were parties to the proceedings or inquiry instead of the corporation: *provided, however*, that said corporation shall not be required to receive or hold any property or moneys or to execute any trust contrary to its own desire.

SECTION 2. In the management of money and property, held by it as trustee under the power conferred in the foregoing section, said corporation shall invest the same in the general trust fund of the company: *provided*, that it shall be competent for the authority making the appointment to direct, upon conferring the same, whether such money and property shall be held separately or invested in the general trust fund of the company; *and provided, also*, that said corporation shall always be bound to follow, and be entirely governed by, all directions contained in any will or instrument under which it may act.

SECTION 3. No money, property or securities received or held by said company under the provisions of this act shall be mingled with the investments of the capital stock, or other moneys or property belonging to said corporation, or be liable for the debts or obligations thereof.

SECTION 4. The returns of said corporation required to be made to the commissioners of savings banks shall be in the form of a trial balance of its books, and shall specify the different kinds of its liabilities, and the different kinds of its assets, stating the amount of each kind, in accordance with a blank form to be furnished by said commissioners. And these returns shall be published in a newspaper of the city of Worcester, at the expense of said corporation, and in the annual report of said commissioners.

SECTION 5. This act shall take effect upon its acceptance by said corporation, which acceptance, with the date thereof, shall within ten days thereafter be certified by the president of the corporation to the secretary of the Commonwealth.

Approved March 24, 1881.

[Accepted April 11, 1881.]

Chap. 135

AN ACT TO AUTHORIZE THE TAKING OF LAND BELONGING TO THE COMMONWEALTH FOR THE PURPOSE OF IMPROVING SUMMER STREET IN THE CITY OF WORCESTER.

Be it enacted, etc., as follows:

Land of the Commonwealth in Worcester

SECTION 1. The county commissioners of the county of Worcester are hereby authorized, upon the petition of

Stephen Salisbury and others now pending before them, to take, without compensation, a portion of the land of the asylum for the chronic insane on the east side of Summer Street in the city of Worcester, for the purpose of widening and improving said street as prayed for in said petition, the strip to be so taken not to exceed five metres in width.

may be taken
for widening
Summer Street.

SECTION 2. Said commissioners shall require, in their order for the said taking, that a substantial retaining wall, not inferior to the present wall upon said street, shall be built by the city of Worcester along the proposed line of said street, to conform to the surface grade as now existing on said line or as it shall be fixed by the trustees of said asylum, and that the iron fence, now surmounting said present wall and enclosing the grounds, shall be firmly replaced, and the steps leading up to the building so moved back or rebuilt as to make a convenient and suitable approach and entrance thereto, in accordance with plans and specifications previously presented to and approved by said trustees; and that said work when commenced shall be forthwith done and completed to the acceptance of said trustees, and without expense to the Commonwealth.

Substantial
retaining wall
to be built.

Iron fence to be
replaced.

Work to be
done without
expense to the
Commonwealth.

SECTION 3. This act shall take effect upon its passage.

Approved March 24, 1881.

AN ACT TO AMEND "AN ACT RELATING TO THE MANAGEMENT
OF LOCK-UPS."

Chap. 136

Be it enacted, etc., as follows:

SECTION 1. All the powers conferred upon the mayor of the city of Boston by and under the provisions of chapter one hundred and seventy-five of the acts of the year eighteen hundred and seventy-three are hereby conferred upon the board of police commissioners of said city of Boston.

Lock-ups in
Boston to be
under control
of police
commissioners.

SECTION 2. This act shall take effect on the first day of May next.

Approved March 24, 1881.

AN ACT REGULATING THE USE OF EXPLOSIVE, COMBUSTIBLE
AND INFLAMMABLE COMPOUNDS IN MANUFACTURING ESTABLISHMENTS.

Chap. 137

Be it enacted, etc., as follows:

SECTION 1. No explosive, combustible or inflammable compounds shall be used in manufacturing establishments in such place or manner as to obstruct or render hazardous

Use, etc., of
inflammable
compounds
regulated.

the egress, in case of fire, of persons employed in such establishments.

Provisions to be enforced by inspectors of factories and public buildings.

SECTION 2. Any person or corporation violating the provisions of this act shall be liable to the penalties fixed by chapter two hundred and fourteen of the acts of the year eighteen hundred and seventy-seven, and it shall be the duty of the inspectors of factories and public buildings to enforce the provisions of this act.

SECTION 3. This act shall take effect upon its passage.

Approved March 24, 1881.

Chap. 138 AN ACT TO PROVIDE FOR THE TRANSFER OF THE TAX LISTS OF COLLECTORS OF TAXES IN CERTAIN CASES.

Be it enacted, etc., as follows :

Tax list, of a collector paid by a fixed salary, may be transferred to his successor.

SECTION 1. The tax list of any collector of taxes who is paid by a fixed salary may, upon the expiration of his term of office, be transferred to his successor as in the case of the death of a collector, and all provisions of law relating to the transfer of a tax list in case of the death of a collector shall, so far as consistent, apply upon the expiration of the term of office as aforesaid.

Amendment to G. S. 12, § 2.

SECTION 2. Section two of chapter twelve of the General Statutes is hereby amended by inserting after the word "provided," the words "or unless his tax list has been transferred to his successor as provided by law."

SECTION 3. This act shall take effect upon its passage.

Approved March 24, 1881.

Chap. 139 AN ACT RELATIVE TO SENTENCES TO THE STATE PRISON OF PERSONS ALREADY UNDER SENTENCE TO IMPRISONMENT IN JAILS AND HOUSES OF CORRECTION.

Be it enacted, etc., as follows :

Sentence to the state prison, of a convict in a jail or house of correction.

SECTION 1. When a convict serving a sentence of imprisonment in a jail or house of correction is again convicted of an offence punishable with imprisonment in the state prison, the court awarding sentence for such offence may impose such sentence of imprisonment in the state prison as is authorized by law, and may order that the same take effect forthwith notwithstanding the former sentence, and the convict shall be removed accordingly and shall be discharged at the expiration of said last named sentence.

SECTION 2. This act shall take effect upon its passage.

Approved March 24, 1881.

AN ACT RELATING TO THE DELIVERY BY EXECUTORS, ADMINISTRATORS, GUARDIANS AND TRUSTEES, UPON RESIGNATION, OF PROPERTY IN THEIR HANDS TO THEIR SUCCESSORS. *Chap. 140*

Be it enacted, etc., as follows :

SECTION 1. When an executor, administrator, guardian or trustee resigns his trust and neglects or refuses to deliver to his successor in said trust all goods, chattels, moneys and effects in his hands belonging to the estate, the probate court may upon application of such successor or of any party beneficially interested in the estate, require such delivery to be made in the manner provided in chapter one hundred and eighty-six of the acts of the year eighteen hundred and eighty, and the provisions of sections three, four and five of said chapter are extended and made applicable to the case of an executor, administrator, guardian or trustee who resigns his trust.

Delivery of property to successor by executor, etc., upon resignation of trust.

SECTION 2. All acts and parts of acts inconsistent with the provisions of this act are hereby repealed. *Repeal.*

SECTION 3. This act shall take effect upon its passage.

Approved March 24, 1881.

AN ACT TO AMEND "AN ACT TO PROVIDE FOR THE RELEASE OF PRISONERS FOR GOOD CONDUCT." *Chap. 141*

Be it enacted, etc., as follows :

Chapter two hundred and eighteen of the acts of the year eighteen hundred and eighty is hereby amended by striking out in the first section the following words, beginning in the tenth line : "not more than one year, one day for each month ; upon a sentence of not less than one year, nor more than three years, three days for each month ; upon a sentence of not less than three nor more than five years, four days for each month ; upon a sentence of not less than five years nor more than ten years, five days for each month," and by inserting in place thereof the following words : "less than one year, one day for each month ; upon a sentence of one year and less than three years, three days for each month ; upon a sentence of three and less than five years, four days for each month ; upon a sentence of five and less than ten years, five days for each month."

Release of prisoners for good conduct.

Approved March 24, 1881.

AN ACT TO REGULATE THE VOTING OF STOCKHOLDERS IN JOINT STOCK INSURANCE COMPANIES. *Chap. 142*

Be it enacted, etc., as follows :

SECTION 1. At all meetings of the stockholders of joint stock insurance companies incorporated under the laws of

Stockholder not to vote upon shares in excess

of one-tenth of
the whole stock.

this Commonwealth, every stockholder shall be entitled to cast one vote for each share held by him, provided he shall not be entitled to vote upon any shares in excess of one-tenth part of the whole number of shares of the stock of the corporation.

SECTION 2. This act shall take effect upon its passage.

Approved March 24, 1881.

Chap. 143 AN ACT TO GIVE BETTER SECURITY TO TRAVELLERS BY RAILROAD.

Be it enacted, etc., as follows:

Railroads cross-
ing each other
at grade.

Chapter three hundred and seventy-two of the acts of the year eighteen hundred and seventy-four is amended by adding to section one hundred and twenty-two thereof the following words: "Unless a system of interlocking or of automatic signals shall be adopted by the two railroads crossing each other at grade, which shall have received the written approval of the board of railroad commissioners."

Approved March 24, 1881.

Chap. 144 AN ACT TO ESTABLISH UNION TRUANT SCHOOLS.

Be it enacted, etc., as follows:

Union truant
schools may be
established.

When three or more cities or towns in each of two or three contiguous counties, or in case of Norfolk, Bristol, Barnstable and Plymouth counties, of four contiguous counties, so require, the county commissioners of such counties shall, at the expense of the same, establish a union truant school at a convenient place therein; to be organized and controlled by the chairmen of the county commissioners of said counties in the manner provided in sections five and six of chapter two hundred and sixty-two of the acts of the year eighteen hundred and seventy-three: *provided*, that any county uniting with another county or with other counties in the support of a union truant school shall be exempt from supporting a truant school of its own as now required.

Approved March 24, 1881.

Chap. 145 AN ACT TO RATIFY AND CONFIRM AN INDENTURE BY AND BETWEEN THE EASTERN RAILROAD COMPANY AND THE FITCHBURG RAILROAD COMPANY.

Be it enacted, etc., as follows:

Indenture
ratified.

SECTION 1. The indenture by and between the Eastern Railroad Company and the Fitchburg Railroad Company, dated the twenty-eighth day of December in the year eighteen hundred and eighty, and recorded in the Suffolk

registry of deeds, liber fifteen hundred and thirteen, folio four hundred and ninety-eight, and in the Middlesex south district registry of deeds, liber fifteen hundred and fifty-nine, folio one hundred and thirty-six, is hereby ratified and confirmed.

SECTION 2. This act shall take effect upon its passage.
Approved March 24, 1881.

AN ACT TO AUTHORIZE THE CHILDREN'S HOSPITAL IN BOSTON TO Chap. 146
HOLD ADDITIONAL REAL AND PERSONAL ESTATE.

Be it enacted, etc., as follows:

SECTION 1. The Children's Hospital in Boston, incorporated by chapter forty-four of the acts of the year eighteen hundred and sixty-nine, is hereby authorized to hold real and personal estate to an amount not exceeding three hundred thousand dollars. Additional real and personal estate.

SECTION 2. No building shall be erected by said corporation as a hospital building capable of accommodating or designed to accommodate more than two hundred patients at any one time, without the approval of the board of health of the city of Boston. Not to exceed accommodation for more than two hundred patients.

SECTION 3. This act shall take effect upon its passage.
Approved March 29, 1881.

AN ACT TO AUTHORIZE THE APPOINTMENT OF CERTAIN OFFICERS Chap. 147
IN THE EXECUTIVE DEPARTMENT, AND TO FIX THEIR COMPENSATION.

Be it enacted, etc., as follows:

SECTION 1. The governor with the advice and consent of the council may appoint an executive clerk, and a messenger; who shall hold office during the pleasure of the governor and council, and shall perform such duties as may be required of them by the governor or the governor and council. Executive clerk and messenger.

SECTION 2. The executive clerk, and messenger, shall receive per year, and at the same rate for any fraction thereof, in full compensation for their services, the following sums, to wit: The executive clerk, twelve hundred dollars, and the messenger, eight hundred dollars. Compensation.

SECTION 3. All acts and parts of acts inconsistent herewith are hereby repealed. Repeal.

SECTION 4. This act shall take effect upon its passage.
Approved March 30, 1881.

Chap. 148 AN ACT TO ESTABLISH THE OFFICE OF CLERK OF THE POLICE COURT OF HOLYOKE.

Be it enacted, etc., as follows:

Office of clerk established.

SECTION 1. Hereafter there shall be a clerk of the police court of Holyoke, who shall be appointed in the manner provided by law for the appointment of clerks of district, police and municipal courts.

Duties.

SECTION 2. Said clerk shall perform all the duties now prescribed by the General Statutes for clerks of police courts; and all the provisions of law now applicable to clerks of police courts shall apply to said clerk.

Salary.

SECTION 3. Said clerk shall receive an annual salary of seven hundred and fifty dollars, to be paid by the county of Hampden.

Takes effect April 1, 1881.

SECTION 4. This act shall take effect so far as the appointing, commissioning and qualifying said clerk are concerned, upon its passage; and it shall take full effect on the first day of April in the year eighteen hundred and eighty-one.

Approved March 30, 1881.

Chap. 149 AN ACT TO COMPEL THE USE OF POWER-BRAKES ON THE TROY AND GREENFIELD RAILROAD.

Be it enacted, etc., as follows:

Power-brakes to be used on passenger trains.

SECTION 1. No passenger train shall enter upon or use any part of the Troy and Greenfield Railroad unless it is provided with a continuous power-brake attached to the engine and to each passenger car of said train.

Fine for violation, etc.

SECTION 2. Any railroad company entering upon or using said road in violation of the provisions of this act shall be liable to a fine of one hundred dollars for each day of such violation, to be recovered by indictment.

To take effect June 1, 1881.

SECTION 3. This act shall take effect upon the first day of June eighteen hundred and eighty-one.

Approved March 30, 1881.

Chap. 150 AN ACT CONCERNING THE LANCASTER RAILROAD COMPANY.

Be it enacted, etc., as follows:

Charter revived.

SECTION 1. Chapter one hundred and one of the acts of the year eighteen hundred and seventy-nine, concerning the Lancaster Railroad Company, is hereby revived; and all the franchises, rights, powers, authorities, privileges, immunities and property granted by said chapter are hereby revived and re-granted to said company. The time within which said Lancaster Railroad was, by section one of said chapter, to be located, is hereby extended two

Time for location and construction extended.

years from the passage of this act, and the time within which by the same section it was ordered to be constructed is hereby extended four years from the passage of this act: *provided, however*, that nothing herein contained shall be construed to revive any rights of action in favor of the Lancaster Railroad Company or the stockholders, bondholders or creditors of said company which have been lost by the failure, if any, heretofore to locate or construct said Lancaster Railroad, or to give said company any new or further authority than it now has to require the Massachusetts Central Railroad Company to change its line or grade at the crossing of the roads in the town of Hudson.

Proviso.

SECTION 2. All claims for damage for land or other property taken by the location and construction of the road of the said Lancaster Railroad Company, not heretofore settled and paid, are hereby revived and continued in force; and all proceedings pending in any of the courts of the Commonwealth instituted for the recovery of said damages, as well as judgments recovered and not satisfied, are hereby revived, preserved and continued in full force, with the same lien, security, and remedy to enforce final judgment as existed by law at the date of the expiration of the charter of said Lancaster Railroad Company, subject only to such alterations and amendments of law as have since been made applicable to the recovery of claims for damages in like cases.

Claims for damages, etc., revived.

SECTION 3. This act shall take effect upon its passage.

Approved March 30, 1881.

AN ACT TO PROVIDE FOR LAYING OUT A PUBLIC PARK IN THE
TOWN OF MARBLEHEAD.

Chap. 151

Be it enacted, etc., as follows:

SECTION 1. The inhabitants of the town of Marblehead may, at any legal meeting called for the purpose, elect three commissioners and prescribe their terms of office. Said commissioners shall constitute a board of park commissioners, and any vacancy occurring in said board shall be filled in such manner as the town may direct. Said commissioners shall receive such compensation as the town shall determine.

Park commissioners to be elected.

SECTION 2. Said board shall have power to locate within the limits of the town of Marblehead a public park; and for that purpose to take in fee by purchase or otherwise any such lands as said board may deem desirable therefor: *provided, however*, that no land shall be taken, or other thing involving an expenditure of money done,

May locate a park in Marblehead.

Proviso.

Proviso.

until an appropriation sufficient to cover the estimated expense thereof shall have been made by a two-thirds vote of the voters present and voting at a meeting legally held; and *provided, further*, that no taking of land otherwise than by purchase shall be valid unless it is reported to the town, filed, accepted and allowed, as provided by section sixty-five of chapter forty-three of the General Statutes in the case of laying out town ways.

To file in registry of deeds a description of the land taken.

SECTION 3. Said board shall, within sixty days after the acceptance by the town of their report of the taking of land under this act, file in the registry of deeds for the southern district of the county of Essex, a description thereof sufficiently accurate for identification.

Damages.

SECTION 4. Said board shall estimate and determine all damages sustained by any persons by the taking of land or other acts of said board in the execution of the powers vested in them under this act; but any party aggrieved by any such determination of said board may have his damages assessed as in case of land taken for highways.

Fee of lands taken to vest in town of Marblehead.

SECTION 5. The fee of all lands taken or purchased by said board under this act shall vest in the town of Marblehead, and said town shall be liable to pay all damages assessed or determined, as provided in the preceding section, and all other costs and expenses incurred by said board in the execution of the powers vested in them by this act. Said town shall also be authorized to take and hold in trust or otherwise any devise, grant, gift or bequest that may be made for the purpose of laying out, improving or ornamenting any parks in said town.

Streets, etc., not to be laid out across park.

SECTION 6. No street or way, and no steam or horse railroad, shall be laid out over any portion of any park located under this act, except at such places and in such manner as said board shall approve.

Board to report annually to the town.

SECTION 7. Said board shall at the annual town meetings and at such other times as the town may direct, make report of its doings, including a detailed statement of all receipts, expenditures and liabilities.

Subject to acceptance by a majority vote.

SECTION 8. This act shall not take full effect unless accepted by a majority of the legal voters of said town of Marblehead, present and voting thereon, by ballot, and using the check list, at a meeting which shall be held during the present year. Said ballot shall be "yes," or "no," in answer to the question, "Shall an act passed by the legislature of the Commonwealth in the year eighteen hundred and eighty-one, entitled 'An Act for laying out

a public park in the town of Marblehead,' be accepted?" Such meeting shall be called, notified and warned in the same manner in which meetings for the election of town officers are called, notified and warned; and it shall be the duty of the selectmen and town clerk to certify, as soon as may be, to the secretary of the Commonwealth, the whole number of ballots cast in said town in favor of the acceptance of this act, and the whole number cast against said acceptance; and if it shall appear that a majority of the ballots have been cast in favor of acceptance, the said secretary shall forthwith issue and publish his certificate declaring this act to have been duly accepted.

Meeting to be called, etc., as for election of town officers.

SECTION 9. So much of this act as authorizes and directs the submission of the question of its acceptance to the legal voters of the town of Marblehead, shall take effect upon its passage.

Approved March 30, 1881.

Secretary to publish acceptance of this act.

[Accepted May 17, 1881.]

AN ACT CONCERNING THE LYNN AND BOSTON RAILROAD COMPANY.

Chap. 152

Be it enacted, etc., as follows:

SECTION 1. The Lynn and Boston Railroad Company is hereby authorized to purchase and hold such real estate as may be necessary or convenient to carry on its business in the cities and towns named in its act of incorporation, and in all the cities and towns in which said company now runs or may hereafter run its cars, as lessee or otherwise.

May purchase and hold certain real estate.

SECTION 2. Said corporation is hereby authorized to purchase all the rights, franchise and property of any other street railway company or companies whose road it hires, or with which it connects or may connect in any of said cities or towns, except the city of Boston, and to pay for the same in money or its stock, or both, as may be agreed upon between the respective boards of directors; and said companies or either or any of them, are authorized to convey and assign to said Lynn and Boston Railroad Company their franchise and property and all the rights, privileges and powers granted them: *provided, however*, that the terms of any such purchase and sale shall be approved by a majority in interest of the stockholders of each of the corporations, respectively, parties to said agreement, present and voting at meetings called for the purpose.

May purchase other street railways.

Proviso.

SECTION 3. If said Lynn and Boston Railroad Company purchases under this act the rights, franchise and property of any other company or companies, the latter company or companies shall thereupon be merged in said

Companies purchased to be merged in Lynn and Boston Railroad Company.

Lynn and Boston Railroad Company; and said Lynn and Boston Railroad Company shall thereupon have and enjoy all the rights, powers, privileges, franchises and property, and be subject to all the duties, liabilities and restrictions appertaining at the time to the company or companies so merged.

Location of
tracks to Wood-
lawn Cemetery
in Everett.

SECTION 4. The board of aldermen of any city or the selectmen of any town referred to in the first section of this act, and of the towns of Peabody and Everett, for the purpose of reaching Woodlawn Cemetery in said Everett, are hereby authorized to locate the tracks of said Lynn and Boston Railroad Company upon and over such streets and highways within their respective jurisdictions as they may in their discretion from time to time determine, with the assent in writing of said corporation; and thereupon said corporation may construct, maintain and use its railroad located in pursuance of this act upon and over the streets and highways of said cities and towns; with the same powers and privileges, and subject to the same duties, liabilities and restrictions as if the same had been authorized and located and constructed under the authority of the act by which said company was incorporated. But no track shall be located or constructed from Lynn into Swampscott farther than Mudge's Square in said Swampscott, and the time for locating and constructing in Peabody and Everett is limited to two years from the passage of this act.

Powers and
duties.

Location of
tracks in
Swampscott.

May increase
capital stock.

SECTION 5. The Lynn and Boston Railroad Company is hereby authorized to increase its capital stock as it may from time to time determine, the total increase not to exceed three hundred thousand dollars.

Location of
constructed
tracks con-
firmed.

SECTION 6. All constructed tracks of the Lynn and Boston Railroad Company, locations whereof have been granted to said company as such, or to said company as lessee, by towns and cities named in its act of incorporation, shall be deemed and taken to be duly located with full power to maintain and use the same; and all purchases of real estate in any of said cities and towns heretofore made by said company shall be deemed and taken to have been legally purchased, and said purchases and locations are hereby ratified and confirmed.

Purchases of
real estate
confirmed.

SECTION 7. This act shall take effect upon its passage.

Approved March 30, 1881.

AN ACT TO INCORPORATE THE PEABODY INSTITUTE IN PEABODY. *Chap. 153**Be it enacted, etc., as follows :*

SECTION 1. Alfred A. Abbott, Warren Shaw, William F. Wiley, E. Pope Barrett, and their associates, trustees of the Peabody Institute in Peabody, and their successors in office, are hereby made a corporation by the name of the Peabody Institute in Peabody, with all the powers and privileges, and subject to all the duties, liabilities and restrictions set forth in the General Statutes relating to similar corporations: *provided, however*, that it shall not be necessary for said corporation to organize in the method or to give the notice and hold the first meeting prescribed by statute, but the present trustees of said Peabody Institute, and their successors to be chosen by the legal voters of the town of Peabody in the manner heretofore prescribed and used, shall constitute and be said corporation, and shall proceed to act and to fulfill their duties under their present organization and according to such rules and regulations as now exist or as may be hereafter legally established.

Corporators.

Powers and duties.

Proviso.

SECTION 2. Said corporation shall hold all the funds of said Peabody Institute, including their lands and buildings, stocks, bonds and other securities, and such other real and personal estate as may accrue to or for the benefit of said institute by gift, grant or otherwise, for the purposes declared and upon the conditions imposed by George Peabody, the founder of said institute, and shall apply the same in the way and manner indicated by him and as accepted and determined by the town of Danvers at a town meeting held June twenty-eighth, eighteen hundred and fifty-two, or as may have been since or may hereafter be prescribed by the town of Peabody, so far as the same may be in accordance with the expressed views of said founder, and for no other purpose whatever: *provided, however*, that the whole amount of the aforesaid funds, together with such real and personal estate as may be added thereto, shall not exceed six hundred thousand dollars.

To hold all the funds, etc., of the Peabody Institute.

Funds and estate not to exceed \$600,000.

SECTION 3. This act shall take effect upon its passage.

*Approved March 30, 1881.*AN ACT TO AUTHORIZE THE CITY OF WORCESTER TO PURCHASE, HOLD AND SELL CERTAIN LAND IN SAID CITY. *Chap. 154**Be it enacted, etc., as follows :*

SECTION 1. The city of Worcester is hereby authorized to purchase, hold and sell the whole or any part of

City of Worcester may purchase and hold

certain land.

the land situated in said city, now owned by the Boston and Albany Railroad Company, bounded by Foster Street, Norwich Street, Mechanic Street, and land of the Rice, Barton and Fales Manufacturing Company and others, and for the purpose of paying for said land to issue the bonds of said city payable at such times and at such rate of interest as the city council shall determine: *provided*, this act shall not authorize the debt of said city to be increased beyond the amount now allowed by law.

Debt not to be increased beyond amount allowed by law.

Subject to acceptance.

SECTION 2. This act shall take effect upon its acceptance by the city council of said city of Worcester.

Approved March 30, 1881.

Chap. 155 AN ACT TO AMEND "AN ACT CONCERNING THE COLLECTION OF STATE TAXES UPON CORPORATIONS."

Be it enacted, etc., as follows:

State taxes upon corporations. 1867, 52.

SECTION 1. The provisions of chapter fifty-two of the acts of the year eighteen hundred and sixty-seven shall extend and apply to any kind of tax or excise claimed or collected by the Commonwealth of any corporation other than a municipal corporation, whether existing by authority of this Commonwealth or otherwise. An abatement shall be granted in proceedings under the second section of said act of such portion of the tax or excise, but of such portion only, as shall appear to have been assessed without authority of law.

Abatement.

SECTION 2. This act shall take effect upon its passage.

Approved March 30, 1881.

Chap. 156 AN ACT RESTRICTING THE CONSTRUCTION OF RAILROADS ACROSS THE DEEP CHANNELS OF BOSTON HARBOR.

Be it enacted, etc., as follows:

Railroads not to be built across deep channels of Boston Harbor.

SECTION 1. Section eight-five of chapter three hundred and seventy-two of the acts of the year eighteen hundred and seventy-four is amended by inserting after the word "prescribe," the following words: "or across any portion of the deep channels of Boston Harbor below the existing bridges without special legislative authority obtained therefor. Any littoral proprietor who shall suffer any obstruction or interruption of his access to the sea by reason of the location and construction of any railroad across tide water, otherwise than by a bridge with a suitable draw, may recover of the corporation, whose railroad shall be so located, all damages occasioned by such location and construction in the same manner, and with the

Damages to littoral proprietors.

same rights as to security, as are provided by law in respect to damages occasioned by laying out and maintaining railroads; but this provision shall not apply to any railroad constructed under the provisions of chapter two hundred and fifty-two of the acts of the year eighteen hundred and eighty."

SECTION 2. This act shall take effect upon its passage.

Approved March 30, 1881.

AN ACT TO PROVIDE FOR THE APPOINTMENT OF AN ASSISTANT DISTRICT ATTORNEY FOR THE NORTHERN DISTRICT.

Chap. 157

Be it enacted, etc., as follows:

The district attorney for the northern district may appoint an assistant district attorney, removable at his pleasure, to assist him in the performance of his official duties, who shall receive out of the treasury of the county of Middlesex a salary of fifteen hundred dollars a year, and at that rate for any part of a year.

Assistant district attorney for the northern district.

Approved March 30, 1881.

AN ACT CONCERNING THE PAYMENT OF SALARIES OF COUNTY OFFICERS.

Chap. 158

Be it enacted, etc., as follows:

SECTION 1. The salaries payable from the treasury of each county, whether established by law or authorized by the county commissioners, shall be payable monthly, on the first day of each month.

Salaries of county officers to be paid monthly.

SECTION 2. This act shall take effect upon its passage.

Approved March 30, 1881.

AN ACT TO AMEND SECTION ONE OF CHAPTER NINETY-NINE OF THE GENERAL STATUTES RESPECTING THE DISTRIBUTION OF INSOLVENT ESTATES OF DECEASED PERSONS.

Chap. 159

Be it enacted, etc., as follows:

SECTION 1. Section one of chapter ninety-nine of the General Statutes is hereby amended so as to read as follows: "Section 1. When the estate of a person deceased is insolvent, or insufficient to pay all his debts, it shall, after discharging the necessary expenses of his funeral, last sickness, and administration, be applied to the payment of his debts in the following order:—

Distribution of insolvent estates of deceased persons.

First. Debts entitled to a preference under the laws of the United States:

Second. Public rates, taxes, and excise duties:

Third. Wages or compensation due to any clerk, ser-

vant or operative, to an amount not exceeding one hundred dollars, for labor performed within one year next preceding the death of such deceased person, or for such labor so performed for the recovery of payment for which a judgment has been rendered :

Fourth. Debts due to all other persons.

If there is not enough to pay all the debts of any class the creditors of that class shall be paid ratably upon their respective debts ; and no payment shall be made to creditors of any class until all those of the preceding class or classes, of whose claims the executor or administrator has notice, are fully paid."

SECTION 2. This act shall take effect upon its passage.

Approved March 30, 1881.

Chap. 160 AN ACT RELATING TO THE SERVICE OF WRITS AND OTHER PROCESS AGAINST SHERIFFS.

Be it enacted, etc., as follows :

Process against sheriff to be served by sheriff of adjoining county.

When any writ or other process is sued out against the sheriff of any county, the sheriff or deputy of an adjoining county shall serve and execute such writ or process.

Approved March 30, 1881.

Chap. 161 AN ACT TO SECURE THE PAYMENT OF DAMAGES OCCASIONED BY THE CONSTRUCTION OF RAILROADS.

Be it enacted, etc., as follows :

Security for payment of damages occasioned by construction of railroads.

Neither of the certificates provided for in section twenty-nine of the "general railroad act," one thousand eight hundred and seventy-four, shall be granted, unless it has been proved to the satisfaction of the board of railroad commissioners, that a sum has been paid, in cash and in good faith to the treasurer of the railroad association applying for such certificate sufficient in the judgment of said board to pay all damages, immediate or consequential, that may be occasioned by laying out and making and maintaining its road, or by taking any land or materials therefor ; nor until said board is satisfied that said sum will remain in the hands of said treasurer until it is drawn out for the lawful expenditures of said association or of the company resulting from said association. The said board may require such assurance of good faith in the premises, by bond or otherwise, as seems to them necessary.

Approved March 30, 1881.

AN ACT PROVIDING FOR THE REPAIRING OR RECONSTRUCTION OF
THE BRIDGE ACROSS MERRIMAC RIVER BETWEEN THE TOWN OF
GROVELAND AND THE CITY OF HAVERHILL.

Chap. 162

Be it enacted, etc., as follows:

SECTION 1. The county commissioners of the county of Essex are hereby authorized and required as soon as may be after the passage of this act to repair and strengthen, reconstruct or build anew, the bridge and draw across Merrimac River between the town of Groveland and the city of Haverhill; and the said commissioners are hereby authorized to hire such sums of money as may be necessary to comply with the provisions of this act.

Bridge may be reconstructed or built anew.

SECTION 2. The said commissioners after due notice to all parties interested, and after a hearing of said parties, shall proceed to determine what cities and towns in said county receive particular and special benefit from the use of said bridge and draw, and to apportion and assess upon said county, cities and towns in such amounts as they shall deem equitable and just, the cost of repairing, reconstructing or rebuilding said bridge and draw. And said commissioners also shall determine what proportion said county, cities and towns shall pay annually for the cost of repairs and maintenance of said bridge and draw.

Cities and towns to be assessed for expense of building.

SECTION 3. The treasurer of the city or town having the care of the draw and repairs of said bridge, and paying for the same out of its treasury, shall make to the said commissioners a sworn statement of the annual expense, on or before the first day of January in each year, and the said commissioners shall pay to such city or town out of the treasury of said county, after deducting its proportion of the annual expense, the balance which may be due.

Sworn statement of expenses to be annually made to county commissioners.

SECTION 4. All acts or parts of acts inconsistent herewith are hereby repealed.

Repeal.

SECTION 5. This act shall take effect upon its passage.

Approved March 30, 1881.

AN ACT TO SECURE A MORE EQUAL APPORTIONMENT OF THE STATE
AND COUNTY TAXES UPON THE SEVERAL CITIES AND TOWNS.

Chap. 163

Be it enacted, etc., as follows:

SECTION 1. It shall be the duty of the deputy tax commissioner before the first day of January in the year eighteen hundred and eighty-three, and before the first day of January in every third year thereafter, to equalize and apportion upon the several cities and towns, the number of polls, the amount of property, and the proportion of every

Deputy tax commissioner to apportion taxes, etc., upon cities and towns.

one thousand dollars of tax, including polls at one-tenth of a mill each, which should be assessed upon each city or town, and to report the same in tabular form in print to the General Court within the first week of its then next succeeding session.

To be furnished with returns of the assessors, by the secretary.

SECTION 2. For the purposes of this act the deputy tax commissioner shall from time to time be furnished by the secretary of the Commonwealth with the returns of the assessors of the several cities and towns required by chapter one hundred and sixty-seven of the acts of the year eighteen hundred and sixty-one. He shall cause to be prepared abstracts showing the value, above real estate and machinery locally taxed, of shares in Massachusetts corporations and national banks held by residents of each city and town and not included in the local assessment. He may require such further returns and statements from state, city and town officers, relative to the amount and value of taxable property in the several cities and towns, as in his judgment may be necessary. Upon the basis of the returns and statements thus provided and authorized according to the best of his judgment and discretion he shall discharge the duty herein imposed upon him.

May require further returns to be made.

Additional clerical assistance.

SECTION 3. For the purposes of this act the deputy tax commissioner shall be provided with suitable rooms in the state house, may employ such clerical assistance as shall be necessary, and may procure necessary stationery and other articles.

SECTION 4. This act shall take effect upon its passage.
Approved March 30, 1881.

Chap. 164 AN ACT TO AMEND "AN ACT RELATING TO CONDITIONAL PARDONS."

Be it enacted, etc., as follows :

Time between conditional pardon and subsequent arrest not to be taken to be part of term of sentence.

SECTION 1. Chapter three hundred and one of the acts of the year eighteen hundred and sixty-seven is hereby amended by inserting in the ninth line of the second section, after the word "shall," the word "not."

SECTION 2. This act shall take effect upon its passage.
Approved March 30, 1881.

Chap. 165 AN ACT IN RELATION TO INSANE PERSONS HELD FOR TRIAL OR SENTENCE.

Be it enacted, etc., as follows :

Insane person in jail may be removed to lunatic hospital.

SECTION 1. When a person held for trial or for sentence, except for capital crimes, in any jail, appears to be insane, he may be removed to one of the state lunatic hos-

pitals, in the manner provided by law for the removal of a convict imprisoned in a house of correction.

SECTION 2. A judge of the supreme judicial court sitting for the arraignment of a person charged with the crime of murder, under the provisions of chapter four hundred and thirty-three, section two, of the acts of the year eighteen hundred and sixty-nine, shall have the same power to commit such person to a lunatic hospital, if found by him to be insane, as the court would have if sitting at a regular term thereof.

Commitment of insane person to lunatic hospital upon arraignment for murder.

SECTION 3. When a person removed as aforesaid is, in the opinion of the trustees and superintendent of the hospital to which he was removed, restored to sanity, he shall forthwith be returned to the jail from which he was removed, where he shall be held in accordance with the terms of the process by which he was originally committed thereto.

When restored to sanity to be returned to the jail.

SECTION 4. This act shall take effect upon its passage.
Approved March 30, 1881.

AN ACT CONCERNING MUTUAL FIRE INSURANCE COMPANIES, AND
ESTABLISHING A STANDARD FORM FOR FIRE INSURANCE POLI-
CIES.

Chap. 166

Be it enacted, etc., as follows :

SECTION 1. No fire insurance company or association shall, after the first day of October next, issue fire insurance policies on property in this Commonwealth other than those of the standard form herein set forth, except as follows, to wit:—

Standard form for fire insurance policies.

First. A company or association may print on or in its policies its name, location, and date of incorporation, the amount of its paid up capital stock, the names of its officers and agents, the number and date of the policy, and, if it be issued through an agent, the words “This policy shall not be valid until countersigned by the duly authorized agent of the company at . . .”

Second. A company or association may print or use in its policies printed forms of description and specification of the property insured.

Third. A company or association insuring against damage by lightning, may print, in the clause enumerating the perils insured against, the additional words, “Also any damage by lightning, whether fire ensues or not,” and in the clause providing for an apportionment of loss in case of other insurance, the words, “whether by fire, lightning, or both.”

Fourth. A company or association, incorporated or formed in this Commonwealth, may print in its policies any provisions which it is authorized or required by law to insert therein; and any company or association not incorporated or formed in this Commonwealth may, with the approval of the insurance commissioner, so print any provision required by its charter or deed of settlement, or the laws of its

Standard form
for fire insur-
ance policies.

own state or country, not contrary to the laws of this Commonwealth: *provided, however*, that the insurance commissioner shall require any provision which, in his opinion, modifies the contract of insurance in such way as to affect the question of loss to be appended to the policy by a slip or rider, as hereinafter provided.

Fifth. The blanks in said standard form may be filled in print or writing.

Sixth. A company or association may print upon policies issued in compliance with the preceding provisions of this section the words "Massachusetts Standard Policy."

Seventh. A company or association may write upon the margin or across the face of a policy, or write or print upon separate slips or riders, to be attached thereto, provisions adding to or modifying those contained in the standard form; but when printed to be in type not smaller than long primer, and all such slips, riders and provisions must be signed by the agent, or the company so using them.

The said standard form of policy shall be plainly printed, and no portion thereof shall be in smaller type than long primer, and shall be as follows, to wit:—

No. _____ § _____
[Corporate name of the company or association: its principal place or places of business.]

This company shall not be liable beyond the actual value of the insured property at the time any loss or damage happens.

In consideration of _____ dollars to them paid by the insured, hereinafter named, the receipt whereof is hereby acknowledged, do insure _____ against loss or damage by fire, to the amount of _____ dollars.

(Description of property insured.)

Bills of exchange, notes, accounts, evidences and securities of property of every kind, books, wearing apparel, plate, money, jewels, medals, patterns, models, scientific cabinets and collections, paintings, sculpture, and curiosities are not included in said insured property, unless specially mentioned.

Said property is insured for the term of _____ beginning on the _____ day of _____ Term. _____ in the year one thousand eight hundred and _____, at noon, and continuing until the _____ day of _____ in the year one thousand eight hundred and _____, at noon, against all loss or damage by FIRE, originating from any cause except invasion, foreign enemies, civil commo-

tions, riots, or any military or usurped power whatever; the amount of said loss or damage to be estimated according to the actual value of the insured property at the time when such loss or damage happens, but not to include loss or damage caused by explosions of any kind unless fire ensues, and then to include that caused by fire only.

This Policy shall be void if any material fact or circumstance stated in writing has not been fairly represented by the insured,—or if the insured now has or shall hereafter make any other insurance on the said property without the assent in writing or in print of the company,—or if, without such assent, the said property shall be removed, except that if such removal shall be necessary for the preservation of the property from fire, this policy shall be valid without such assent for five days thereafter,—or if, without such assent, the situation or circumstances affecting the

Property not covered by Policy.

Matters avoiding Policy.

Perils insured against.

risk shall, by or with the knowledge, advice, agency, or consent of the insured, be so altered as to cause an increase of such risks, or if, without such assent, the said property shall be sold, or this policy assigned, or if the premises hereby insured shall become vacant by the removal of the owner or occupant, and so remain vacant for more than thirty days without such assent, or if it be a manufacturing establishment running in whole or part extra time, except that such establishments may run in whole or in part extra hours not later than nine o'clock p.m., or if such establishments shall cease operation for more than thirty days without permission in writing indorsed hereon, or if the insured shall make any attempt to defraud the company, either before or after the loss,—or if gunpowder or other articles subject to legal restriction shall be kept in quantities or manner different from those allowed or prescribed by law,—or if camphene, benzine, naphtha, or other chemical oils or burning fluids shall be kept or used by the insured on the premises insured, except that what is known as refined petroleum, kerosene, or coal oil may be used for lighting.

Standard form
for fire insur-
ance policies.

If the insured property shall be exposed to loss or damage by fire, the insured shall make all reasonable exertions to save and protect the same.

Assured to protect property in case of exposure to fire.

In case of any loss or damage under this policy, a STATEMENT in writing, signed and sworn to by the insured, shall be forthwith rendered to the company, setting forth the value of the property insured, the interest of the insured therein, all other insurance thereon, in detail, the purposes for which and the persons by whom the building insured, or containing the property insured, was used, and the time at which and manner in which the fire originated, so far as known to the insured. The company may also examine the books of account and vouchers of the insured, and make extracts from the same.

Statement by insured in case of loss.

In case of any loss or damage, the company, within sixty days after the insured shall have submitted a statement, as provided in the preceding clause, shall either pay the amount for which it shall be liable or replace the property with other of the same kind and goodness,—or it may, within fifteen days after such statement is submitted, notify the insured of its intention to rebuild or repair the premises, or any portion thereof separately insured by this policy, and shall thereupon enter upon said premises and proceed to rebuild or repair the same with reasonable expedition. It is moreover understood that there can be no abandonment of the property insured to the company, and that the company shall not in any case be liable for more than the sum insured, with interest thereon from the time when the loss shall become payable, as above provided.

Payment of loss to be made within sixty days after proof unless company elects to replace or repair.

If there shall be any OTHER INSURANCE on the property insured, whether prior or subsequent, the insured shall recover on this policy no greater proportion of the loss sustained than the sum hereby insured bears to the whole amount insured thereon. And whenever the company shall pay any loss, the insured shall assign to it, to the extent of the amount so paid, all rights to recover satisfaction for the loss or damage from any person, town, or other corporation, excepting other insurers; or the insured, if requested, shall prosecute therefor at the charge and for the account of the company.

Apportionment of loss in case of other insurance.

Insured to assign to company claims against third parties.

If this policy shall be made payable to a mortgagee of the insured real estate, no act or default of any person other than such mort-

Standard form
for fire insur-
ance policies.

gagee or his agents, or those claiming under him, shall affect such mortgagee's right to recover in case of loss on such real estate: *provided*, that the mortgagee shall, on demand, pay according to the established scale of rates for any increase of risks not paid for by the insured; and whenever this company shall be liable to a mortgagee for any sum for loss under this policy, for which no liability exists as to the mortgagor, or owner, and this company shall elect by itself, or with others, to pay the mortgagee the full amount secured by such mortgage, then the mortgagee shall assign and transfer to the companies interested, upon such payment, the said mortgage, together with the note and debt thereby secured.

Rights of parties
in case the poli-
cy is made pay-
able to a mort-
gagee.

This policy may be CANCELLED at any time at the request of the insured, who shall thereupon be entitled to a return of the portion of the above premium remaining, after deducting the customary monthly short rates for the time this policy shall have been in force. The company also reserves the right, after giving written notice to the insured, and to any mortgagee to whom this policy is made payable, and tendering to the insured a ratable proportion of the premium, to cancel this policy as to all risks subsequent to the expiration of ten days from such notice, and no mortgagee shall then have the right to recover as to such risks.

Cancellation of
Policy.

In case any difference of opinion shall arise as to the amount of loss under this policy, it is mutually agreed that the said loss shall be referred to three disinterested men, the company and the insured each choosing one out of three persons to be named by the other, and the third being selected by the two so chosen, provided that neither party shall be required to choose or accept any person who has served as a referee in any like case within four months; and the decision of a majority of said referees in writing shall be final and binding on the parties.

Differences to be
submitted to ref-
erees.

No suit or action against this company for the recovery of any claim by virtue of this policy shall be sustained in any court of law or equity in this Commonwealth unless commenced within two years from the time the loss occurred.

In witness whereof the said _____ company has caused this policy to be signed by its President, and attested by its Secretary [or by such proper officers as may be designated], at their office in _____ date _____

atties.

SECTION 2. Any insurance company, association, or agent who shall wilfully or knowingly violate any of the provisions of this act by making, issuing, or delivering any policy of fire insurance in this Commonwealth except as herein provided, shall be punished by fine of not less than twenty nor more than fifty dollars for the first offence, and of not less than fifty nor more than two hundred dollars for each subsequent offence, upon complaint made by the insurance commissioner, or by any citizen of the Commonwealth, to any court having jurisdiction of the offence; but any policy of insurance so made, issued, or delivered, shall nevertheless be binding upon such company or association.

SECTION 3. Chapter three hundred and thirty-one of the acts of the year eighteen hundred and seventy-three, chapter one hundred and seventy-five of the acts of the year eighteen hundred and eighty, and so much of section fifty-two of chapter fifty-eight of the General Statutes as limits the amount of a policy, issued on the mutual plan, to three-fourths of the value of the property insured, are hereby repealed.

Repeal.

SECTION 4. This act shall take effect upon its passage.

Approved March 31, 1881.

AN ACT TO INCORPORATE THE GLOUCESTER WATER SUPPLY COMPANY.

Chap. 167

Be it enacted, etc., as follows :

SECTION 1. Joseph O. Procter, Robert R. Fears, Samuel A. Stacy, Robert A. Tibbets, Nehemiah D. Cunningham, their associates and successors, are hereby made a corporation by the name of the Gloucester Water Supply Company, for the purpose of furnishing the inhabitants of Gloucester with pure water for the extinguishment of fires and for domestic, mechanical and other purposes; with all the powers and privileges, and subject to all the duties, restrictions and liabilities set forth in all general laws which now are or hereafter may be in force applicable to such corporations.

Corporators.

Name and purpose.

Powers and duties.

SECTION 2. Said corporation may for the purposes aforesaid take, hold and convey through the city of Gloucester, or any part thereof, the water of any springs, natural ponds, brooks or other water sources in ward eight of said city, and may take and hold by purchase or otherwise any real estate necessary for the preservation and purity of the same, or for forming any dams or reservoirs to hold the same, and for laying and maintaining aqueducts and pipes for distributing the water so taken and held; and may lay its water pipes through any private lands, with the right to enter upon the same and dig therein for the purpose of making all necessary repairs or service connections; and for the purposes aforesaid may carry its pipes under or over any water course, street, railroad, highway or other way, in such manner as not unnecessarily to obstruct the same; and may, under the direction of the city authorities of Gloucester, enter upon and dig up any road or other way for the purpose of laying or repairing its aqueducts, pipes or other works; and in general may do any other acts and things convenient and proper for carrying out the purposes of this act.

May take water from ponds, etc., in ward eight.

May lay pipes through private lands.

May enter upon and dig up roads.

To file in the registry of deeds a description of the land taken.

SECTION 3. Said corporation shall, within sixty days after the taking of any land or water rights under the provisions of this act, otherwise than by purchase, file in the registry of deeds for the southern district of the county of Essex a description of any land so taken, sufficiently accurate for identification, with a statement of the purposes for which it is so taken, and the title of the land so taken shall vest in said corporation. Any person or corporation injured in property by any acts of said corporation, and failing to agree with said corporation as to the amount of damages, may have the same assessed and determined in the manner provided when land is taken for highways; but no application shall be made to the county commissioners for the assessment of damages for the taking of water rights until the water is actually taken and diverted by said corporation. Any person whose water rights are thus taken or affected may apply as aforesaid within three years from the time the water is actually withdrawn or diverted, and not thereafter; and no suit for injury done under this act shall be brought after three years from the date of the alleged receipt of injury.

Assessment of damages.

May fix water rates.

SECTION 4. Said corporation may distribute the water through said city of Gloucester, may establish and fix from time to time rates for the use of said water, and collect the same, and make such contracts with the said city of Gloucester, or with individuals, or corporations, to supply water for fire or for other purposes, as may be agreed upon by said city, or individuals, or corporations, and said corporation. The city of Gloucester, by a majority vote of its city council present and voting jointly thereon, is hereby authorized to contract for a supply of water for fire or other purposes, for a term of years with said Gloucester Water Supply Company: *provided*, the contract is assented to by said city by a majority vote of the voters present and voting thereon at meetings called for that purpose in the several wards of said city.

May furnish city with water by contract.

Capital stock not to exceed \$350,000.

SECTION 5. The capital stock of said corporation shall not exceed three hundred and fifty thousand dollars and shall be divided into shares of one hundred dollars each; and said corporation may at any time issue bonds to an amount equal to the capital stock actually paid in.

Penalty for diverting water or rendering it impure.

SECTION 6. If any person shall use any of said water taken under this act, without the consent of said corporation, or shall wantonly or maliciously divert the water or any part thereof so taken, or corrupt the same, or render it impure, or destroy or injure any dam or aqueduct, pipe,

conduit, hydrant, machinery, or other works or property held, owned or used by said corporation, under the authority of and for the purposes of this act, he shall forfeit and pay to said corporation three times the amount of damages assessed therefor, to be recovered in an action of tort; and on conviction of either of the wanton or malicious acts aforesaid may be punished by a fine not exceeding three hundred dollars, or by imprisonment in jail not exceeding one year.

SECTION 7. The city of Gloucester shall have the right, at any time during the continuance of the charter hereby granted, to purchase the corporate property and all the rights and privileges of said company, at a price which may be mutually agreed upon between said corporation and the said city of Gloucester; and the said corporation is authorized to make sale of the same to said city. In case said corporation and said city are unable to agree, then the compensation to be paid shall be determined by three commissioners, to be appointed by the supreme judicial court upon application of either party and notice to the other, whose award, when accepted by the court, shall be binding upon both parties. And this authority to purchase said franchise and property is granted on condition that the same is assented to by said city by a two-thirds vote of the voters present and voting thereon at meetings called for that purpose in the several wards of said city.

City may purchase corporate rights and property.

SECTION 8. For the purposes of defraying the cost of such property, lands, water and water rights as shall be purchased for the purposes aforesaid, the city of Gloucester through its treasurer may from time to time issue notes, bonds, scrip or certificates of debt, to be denominated on the face thereof Gloucester Water Loan, to any amount not exceeding the amount paid by the city for said purchase, and bearing interest at a rate not exceeding six per centum per annum payable semi-annually, and the principal being payable at periods of not more than thirty years from the issue of said notes, bonds, scrip or certificates of debt, respectively. Said treasurer, under the authority of the city council, may sell such notes, bonds, scrip or certificates of debt, or any part thereof, from time to time, or pledge the same for any money borrowed for the purposes aforesaid, on such terms and conditions as may be prescribed by the city council, or, in case the city council prescribe no terms and conditions, on such terms and conditions as he may deem proper; and said city shall annually raise by taxation an amount

City may issue scrip to pay for property, etc.

Sale of bonds or scrip.

Sinking fund.

sufficient together with the net income received from rents for the use of said water, to pay the interest on said loans as it accrues; and shall establish at the time of contracting said debt a sinking fund, and contribute thereto from year to year an amount raised by taxation, not exceeding ten thousand dollars in any one year, sufficient with its accumulations to extinguish the debt at maturity; and said sinking fund shall remain inviolate and pledged to the payment of said debt and shall be used for no other purpose.

Powers and liabilities of city in case property is purchased.

SECTION 9. In case the city of Gloucester shall purchase the property, rights, privileges and franchises of the corporation established by this act, the said city shall exercise all the rights, powers and authority and be subject to all the restrictions, duties and liabilities herein contained, in such manner and by such officers, servants or agents as said city may direct, and the said city shall be liable to damages for land, water or water rights taken for the purposes set forth in this act which shall not have been previously paid by said corporation.

Work to be commenced within three years.

SECTION 10. This act shall be null and void unless within three years from its passage said corporation shall avail itself of its provisions, and commence a prosecution of the work herein authorized.

Security for payment of damages to be furnished, if required.

SECTION 11. The owners of lands and water rights taken under this act, upon application by either party for an estimate of damages, may require said corporation to give security, satisfactory to the board of aldermen of said city, for the payment of all damages and costs which may be awarded to them for the land or other property taken. And if, upon petition of the owner, with notice to the adverse party, the security appears to the aldermen of said city to have become insufficient, they shall require said corporation to give further security to their satisfaction; and all the right or authority of the corporation to enter upon or use said land and other property, except for making surveys, shall be suspended until it gives the security required.

SECTION 12. This act shall take effect upon its passage.
Approved March 31, 1881.

AN ACT AUTHORIZING THE FITCHBURG RAILROAD COMPANY AND
THE MASSACHUSETTS CENTRAL RAILROAD COMPANY TO CHANGE
THEIR LOCATION IN THE TOWN OF BELMONT. Chap. 168

Be it enacted, etc., as follows :

SECTION 1. The Fitchburg Railroad Company may, at any time within one year after the passage of this act, take for its own railroad, land between its location and the northerly side of Wellington Brook not exceeding five rods in width on the southerly side of the present location of the Fitchburg Railroad, between Common Street in Belmont and station number three hundred and sixty-nine of the Fitchburg Railroad, as located and filed in the office of the county commissioners of Middlesex county.

Fitchburg Railroad may take land and change location in Belmont.

SECTION 2. The said Fitchburg Railroad Company may at any time after the passage of this act make a lease to the Massachusetts Central Railroad Company of such portions of the road in Belmont, between said Common Street and said station number three hundred and sixty-nine, taken by said Fitchburg Railroad Company under any previous acts or held by it under any deed or otherwise, for such length of time and upon such terms as may be agreed upon by said companies: *provided*, that nothing in this act contained shall prevent any person from recovering any damages to which, if this act had not been passed, he would by law be entitled for any taking, use or occupation of such of the land, now included in any portion of the location of the Fitchburg Railroad Company as may be leased by it to the Massachusetts Central Railroad Company, under authority of this act.

May lease portion of road to Massachusetts Central Railroad.

Proviso.

SECTION 3. In the exercise of the powers granted by this act, the said Fitchburg Railroad Company and the said Massachusetts Central Railroad Company shall have all the rights, privileges and remedies and be subject to all the duties, liabilities and restrictions provided by the general laws of the Commonwealth, so far as the same are respectively applicable to each corporation.

Powers and duties.

SECTION 4. This act shall take effect upon its passage.
Approved March 31, 1881.

AN ACT TO ESTABLISH THE CITY OF MALDEN.

Chap. 169

Be it enacted, etc., as follows :

SECTION 1. The inhabitants of the town of Malden shall continue to be a body politic and corporate under the name of the city of Malden, and as such shall have, exer-

City charter for town of Malden.

cise and enjoy all the rights, immunities, powers and privileges, and shall be subject to all the duties and obligations now incumbent upon and pertaining to the said town as a municipal corporation.

Government
vested in mayor
and city council.

SECTION 2. The administration of all the fiscal, prudential and municipal affairs of the said city, with the government thereof, shall be vested in one officer to be called the mayor, one council of seven to be called the board of aldermen, and one council of eighteen to be called the common council, which boards, in their joint capacity, shall be denominated the city council; and the members thereof shall be sworn to the faithful performance of their respective duties. A majority of each board shall constitute a quorum for the transaction of business, and no member of either board shall receive any compensation for his services.

Selectmen to
divide town into
six wards.

SECTION 3. It shall be the duty of the selectmen of said town, as soon as may be after the passage of this act and its acceptance, as herein provided, to divide said town into six wards, so that they shall contain, as nearly as may be consistent with well defined limits to each ward, an equal number of voters in each ward, which division may be revised by the city council within three years from the passage hereof. The city council may, in the year eighteen hundred and eighty-five, and in every fifth year thereafter, make a new division of said wards, so that they shall contain, as nearly as may be consistent with well defined limits to each ward, an equal number of voters in each ward according to the census to be taken in the months of May or June in said years.

New division of
wards may be
made in 1885,
and every fifth
year thereafter.

Election of
ward and city
officers, and
commencement
of municipal
year.

SECTION 4. The election of city and ward officers shall take place on the first Tuesday of December annually; and the municipal year shall begin on the first Monday of January following.

Wardens,
clerks, and in-
spectors of
elections to be
chosen on first
Tuesday of
December,
annually.

SECTION 5. On the first Tuesday of December, annually, there shall be chosen by ballot, in each of said wards, a warden, clerk, and three inspectors of elections, who shall be different persons, residents in the ward, who shall hold their offices one year, and until others shall be chosen and qualified in their stead. Said wardens shall preside at all ward meetings, with the powers of moderators of town meetings; and if at any meeting the warden is not present the clerk shall preside until a warden *pro tempore* is chosen by ballot; if both the warden and clerk are absent, the senior in age of the inspectors present shall preside, until a warden *pro tempore* is so chosen; and if all

said officers are absent, any legal voter in said ward may preside until a warden *pro tempore* is so chosen. When any ward officer is absent, or neglects to perform his duty, his office shall be filled *pro tempore*. The clerk shall record all the proceedings and certify the votes, and deliver to his successor in office all the records, journals, documents and papers held by him in his said capacity. The inspectors shall assist the warden in receiving, assorting, and counting the votes. All said officers shall be sworn to the faithful discharge of their duties; the warden by the clerk, and the clerk and the inspectors by the warden, or either of said officers by any justice of the peace, and certificates thereof shall be entered on the records of the ward by the clerk. All warrants for meetings of the citizens for municipal purposes, to be held either in wards or in general meetings, shall be issued by the mayor and aldermen, and shall be in such form and served and returned in such manner and at such times as the city council shall direct. The compensation of the ward officers shall be fixed by concurrent vote of the city council.

Offices may be filled *pro tempore*.

Warrants for meetings to be issued by mayor and aldermen.

SECTION 6. The mayor and aldermen are authorized, when no convenient ward room for holding ward meetings for the citizens of either wards of the city can be had within the territory or limits of such ward, to appoint and direct, in the warrants for calling the ward meetings of such wards, the said meetings to be held in some convenient and approximate place within the limits of any other of the wards of said city, and for such purposes the place so assigned for the meetings of such ward shall be deemed and taken to be included in and part of said ward as though the same was within the territorial limits thereof.

Ward meetings may be held without the limits of ward.

SECTION 7. The mayor shall be chosen by the qualified voters of the city at large, voting in their respective wards, and shall hold his office for the municipal year next following his election, and until another shall have been chosen and qualified in his place.

Mayor to be chosen by voters at large, for one year.

SECTION 8. One alderman shall be chosen from and by the qualified voters of the city at large voting in their respective wards; and one alderman and three common councilmen shall be chosen from and by the qualified voters of each ward of the city, and shall be residents of the wards where chosen. The said aldermen and common councilmen shall hold their offices for one year from the first Monday of January following their election, and until a majority of the new boards shall be elected and qualified.

One alderman to be elected at large, and one by each ward; three common councilmen from each ward.

Annual municipal election, on the first Tuesday of December.

Certificates of election.

Mayor.

Aldermen.

Organization of government.

SECTION 9. On the first Tuesday of December annually, the qualified voters in the several wards shall give in their votes by ballot for mayor, aldermen, common councilmen and school committee, in accordance with the provisions of this act. All the votes so given shall be assorted, counted, declared and recorded in open ward meeting, by causing the names of the persons voted for, and the number of votes given for each, to be written in the ward record at length. The clerk of the ward, within twenty-four hours thereafter, shall deliver to the persons chosen members of the common council certificates of their election respectively, signed by the warden and the clerk and a majority of the inspectors of elections, and shall deliver to the city clerk a copy of the record of such elections, certified in like manner. The board of aldermen shall, within ten days thereafter, examine the copies of the records of the several wards, certified as aforesaid, and shall cause the person who shall have been chosen mayor to be notified in writing of his election; but if it shall appear that no person has been chosen, or if the person chosen shall refuse to accept the office, the board shall issue warrants for a new election, and the same proceedings shall be had in all respects as are herein before provided for the choice of mayor, and from time to time shall be repeated until a mayor shall be chosen and shall accept said office. In case of the decease, resignation or absence of the mayor, or of his inability to perform the duties of his office, or in case of a vacancy in the office of mayor from any cause, it shall be the duty of the board of aldermen and common council respectively, by vote, to declare that a vacancy exists, and the cause thereof; and thereupon the city council shall, by concurrent vote, choose a mayor to fill such vacancy; and the mayor thus chosen shall hold his office until the inability causing such vacancy shall be removed, or until a new election. Each alderman shall be notified in writing of his election by the mayor and aldermen for the time being. The oath prescribed by this act shall be administered to the mayor by the city clerk, or by any justice of the peace. The aldermen and common councilmen elect shall, on the first Monday of January, at ten o'clock in the forenoon, meet in convention, when the oath required by this act shall be administered to the members of the two boards present, by the mayor, or by any justice of the peace; and a certificate of such oath having been taken shall be entered upon the journals of the mayor and aldermen and of the common

council, by their respective clerks. After the oath has been administered as aforesaid, the two boards shall separate, and the common council shall be organized by the choice of a president and clerk, to hold their offices respectively during the pleasure of the common council, the clerk to be sworn to the faithful performance of the duties of his said office. In case of the absence of the mayor elect on the first Monday of January, or if the mayor shall not then have been chosen, the city council shall organize itself in the manner herein before provided, and may proceed to business in the same manner as if the mayor were present; and the oath of office may at any time thereafter, in convention of the two boards, be administered to the mayor and any member of the city council who may have been absent at the organization. In the absence of the mayor, the board of aldermen may choose a presiding officer *pro tempore*, who shall also preside at the joint meetings of the two boards. Each board shall keep a record of its own proceedings, and judge of the election of its own members; and in case of failure of election, or in case of vacancy declared by either board, the mayor and aldermen shall issue their warrant for a new election.

Common council to choose president and clerk.

Aldermen may choose a presiding officer, in absence of the mayor.

SECTION 10. The mayor shall be the chief executive officer of the city. It shall be his duty to be active and vigilant in causing the laws and regulations of the city to be enforced, and to keep a general supervision over the conduct of all subordinate officers. And he may, whenever in his opinion the public good requires, remove, with the consent of the appointing power, any officer over whose appointment he has, in accordance with the provisions of this charter, exercised the power of nomination. He may call special meetings of the boards of aldermen and common council, or either of them, when in his opinion the interests of the city require it, by causing notices to be left at the usual place of residence of each member of the board or boards to be convened. He shall from time to time communicate to both boards such information and recommend such measures as the business and interests of the city may in his opinion require. He shall, when present, preside in the board of aldermen, and in convention of the two boards. His salary for the first five years, under this charter, shall be fixed by the city council, but shall not exceed the sum of five hundred dollars per annum. Afterward it shall be fixed by concurrent vote of the city council. It shall be payable at stated periods, but shall not at any time be increased or diminished dur-

Mayor to be chief executive officer of the city.

Salary.

ing the year for which he is chosen. He shall receive no other compensation.

Ordinances,
joint orders,
etc., to be sub-
mitted to mayor
for approval.

Veto power of
mayor.

SECTION 11. Every ordinance, order, resolution or vote to which the concurrence of the board of aldermen and of the common council may be necessary, except on a question of a convention of the two branches or the election of an officer, and every order of either branch of the city council involving the expenditure of money, shall be presented to the mayor. If he approves thereof, he shall signify his approval by signing the same; but if he does not approve thereof, he shall return the ordinance, order, resolution or vote, with his objections in writing, to the branch of the city council in which it originated. Such branch shall enter the objections of the mayor, at large, on its records, and proceed to reconsider said ordinance, order, resolution or vote; and if, after such reconsideration, two-thirds of that branch, present and voting, notwithstanding such objections, agree to pass such ordinance, order, resolution or vote, it shall, together with the objections of the mayor, be sent to the other branch of the city council, if it originally required concurrent action, where it shall also be reconsidered; and if approved by two-thirds of the members present and voting, it shall be in force; but in all cases the vote shall be determined by yeas and nays; and if such ordinance, order, resolution or vote is not returned by the mayor within ten days after it has been presented to him, the same shall be in force.

Executive
power vested in
mayor and
aldermen.

Constables and
police officers.

SECTION 12. The executive power of said city generally, with all the powers heretofore vested by special statute in the selectmen of the town of Malden, and in the selectmen of towns generally, by the laws of the Commonwealth, shall be vested in and may be exercised by the mayor and aldermen as fully as if the same were herein specially enumerated. The mayor and aldermen shall have full and exclusive power to appoint a constable or constables, a city marshal or a chief of police, with all the powers and duties of a constable, and all other police officers. Any of them the mayor may remove, and fill the vacancy or vacancies so made, by appointment; but at the next meeting of the board of aldermen he shall nominate as provided in this act. And the mayor and aldermen may require any person who may be appointed a constable, city marshal or chief of police of the city, to give bonds for the faithful discharge of the duties of the office, with such security and to such an amount as they may deem reasonable and proper; upon which bonds the

like proceedings and remedies may be had as are by law provided in case of constables' bonds taken by the selectmen of towns. The compensation of the police and other subordinate officers shall be fixed by concurrent vote of the city council. The city council shall have the care and superintendence of the city buildings and the custody and management of all city property, with power to let what may be legally let, and to sell, purchase or hire property, real or personal, in the name and for the use of the city, whenever its interests or convenience may in their judgment require it. And they shall as often as once a year cause to be published, for the use of the inhabitants, a particular account of the receipts and expenditures, and a schedule of city property and of the city debt.

Compensation
of police, etc.

Custody and
management of
city property.

SECTION 13. In all cases in which appointments are directed to be made by the mayor and aldermen, the mayor shall have the exclusive power of nomination, being subject, however, to confirmation or rejection by the board of aldermen; and no person shall be eligible by appointment or election by the mayor and aldermen, or city council, to any office of emolument, the salary of which is payable out of the city treasury, who, at the time of such appointment or election, shall be a member of the board of aldermen or of the common council. All sittings of the mayor and aldermen, of the common council, and of the city council shall be public when they are not engaged in executive business.

Appointments
by mayor and
aldermen.

SECTION 14. The city council shall annually, as soon after their organization as may be convenient, choose, by joint ballot in convention, a city clerk, a treasurer, and a collector of taxes, and by concurrent vote choose a city solicitor, a city auditor, and a city physician, who shall hold their offices respectively for the term of one year next ensuing, and until their successors shall be chosen and qualified: *provided, however*, that either of the officers named in this section may be removed at any time by the city council for sufficient cause. Vacancies occurring in the above-named offices may be filled at any time by concurrent vote of the city council. The compensation of the officers mentioned in this section shall be fixed by concurrent vote of the city council.

Annual election
of treasurer,
city clerk, etc.

Proviso.

SECTION 15. The city clerk shall be sworn to the faithful discharge of the duties of his office. He shall have charge of all journals, records, papers and documents of the city, sign all warrants issued by the mayor and aldermen, and do such other acts in his said capacity as the

City clerk to
have charge of
all journals, etc.

City clerk to
deliver records
to successor in
office.

city council may lawfully and reasonably require of him; and shall deliver all journals, records, papers and documents, and other things entrusted to him as city clerk, to his successor in office. He shall also perform all the duties, and exercise all the powers by law incumbent upon or vested in clerks of towns of this Commonwealth. He shall be clerk of the board of aldermen; shall attend said board when the same is in session, and keep a journal of its acts, votes and proceedings; also of the city council when in convention. He shall engross all the ordinances passed by the city council in a book provided for that purpose, and shall add proper indexes, which book shall be deemed a public record of such ordinances; and he shall perform such other duties as shall be prescribed by the board of aldermen. In case of the temporary absence of the city clerk, the mayor, by and with the advice and consent of the board of aldermen, may appoint a clerk *pro tempore*, who shall be duly qualified.

City clerk
pro tempore.

Fire depart-
ment.

SECTION 16. The city council may establish a fire department for said city, to consist of a chief engineer, and of as many assistant engineers, enginemen, hosemen, hook-and-ladder men and assistants, as the city council, by ordinance, shall from time to time prescribe; and said council shall have authority to fix the time of their appointment and the term of their service, to define their office and duties, and in general to make such regulation concerning the pay, conduct and government of such department, the management of fires, and the conduct of persons attending fires, as they may deem expedient, and may affix such penalties for any violation of such regulations, or of any of them, as are provided for the breach of the ordinances of said city. The appointment of all the officers and members of such department shall be vested in the mayor and aldermen exclusively, who shall also have authority to remove from office any officer or member, for cause, in their discretion. The engineers so appointed shall be the firewards of the city, but the mayor and aldermen may appoint additional firewards. The compensation of the department shall be fixed by concurrent vote of the city council.

City council
may establish
fire limits.

SECTION 17. The city council shall have power to establish fire limits within the city, and from time to time change or enlarge the same; and by ordinance they may regulate the construction of all buildings erected within said fire limits, stipulating their location, sizes, and the material of which they shall be constructed, together with

such other rules and regulations as shall tend to insure the same from damage by fire. They shall also have the sole care, superintendence and management of the public grounds belonging to said city, and of all the shade and ornamental trees standing and growing thereon, and also of all the shade and ornamental trees standing and growing in or upon any of the public streets and highways of said city.

To have care of
public grounds.

SECTION 18. The city council first chosen after the acceptance of this act shall, as soon after their organization as may be convenient, choose, by concurrent vote, three persons to be overseers of the poor, one for three years, one for two years, and one for one year; and thereafter the city council shall annually, as soon after their organization as may be convenient, choose in the same manner one person who shall hold his office for the term of three years next ensuing, and until another shall be chosen and qualified in his stead; but no more than one of the three members so to be chosen shall be eligible from any one ward of said city. The persons so chosen shall, with the mayor, constitute the board of overseers of the poor, and the mayor shall be *ex officio* chairman of the board. Vacancies occurring in the board may be filled by concurrent vote of the city council at any time; the members so chosen to hold office for the unexpired term of the member who has ceased to hold office. The city council may at any time remove any elected members of the said board from office for cause. The compensation of the overseers of the poor shall be fixed by concurrent vote of the city council. The board shall be organized annually on the third Monday in January or as soon thereafter as may be convenient.

Overseers of the
poor.

SECTION 19. The city council first chosen after the acceptance of this act shall, as soon after their organization as may be convenient, choose, by concurrent vote, three persons to be assessors of taxes, one for three years, one for two years, and one for one year; and thereafter the city council shall annually, as soon after their organization as may be convenient, choose, in the same manner, one person, who shall hold his office for the term of three years next ensuing, and until another is chosen and qualified in his stead. The person so chosen shall constitute the board of assessors, and shall exercise the powers and be subject to the liabilities and duties of assessors in towns in this Commonwealth. Vacancies occurring in the board may be filled by concurrent vote of the city council at any

Assessors of
taxes.

time, the member so chosen to hold office only for the unexpired term of the member who ceased to hold office. All taxes shall be assessed, apportioned and collected in the manner prescribed by the general laws of the Commonwealth: *provided, however*, that the city council may establish further or additional provisions for the collection thereof. The compensation of the assessors shall be fixed by concurrent vote of the city council.

Water
commissioners.

SECTION 20. The city council first chosen after the acceptance of this act shall, as soon as may be convenient after their organization, choose, by concurrent vote, three persons to be water commissioners, one for three years, one for two years, and one for one year; and thereafter the city council shall annually, as soon after their organization as may be convenient, choose, in the same manner, one person, who shall hold his office for the term of three years next ensuing, and until another shall be chosen and qualified in his stead. Vacancies occurring in the commission may be filled by concurrent vote of the city council at any time. The city council may, at any time, remove any member of said commission from office for cause. The compensation of the water commissioners shall be fixed by concurrent vote of the city council. All power and authority now vested by law in the water commissioners for the town of Malden shall be transferred to and vested in the water commissioners for the city of Malden.

Street
commissioners.

SECTION 21. The city council first chosen after the acceptance of this act, shall, as soon as may be convenient after their organization, choose, by concurrent vote, three persons to be street commissioners, one for three years, one for two years, and one for one year; and thereafter the city council shall annually, as soon after their organization as may be convenient, choose, in the same manner, one person, who shall hold his office for the term of three years next ensuing, and until another shall be chosen and qualified in his stead. The persons so chosen shall constitute the board of street commissioners. Vacancies occurring in the board may be filled by the concurrent vote of the city council at any time. The city council may at any time remove any member of said board from office for cause. The compensation of the street commissioners shall be fixed by concurrent vote of the city council. Any of the powers vested in the city council, or in the mayor and aldermen, in respect to the laying out, accepting, altering, discontinuing or repairing any street or town way, may be

delegated to or conferred upon the board of street commissioners; and the city council may direct under what limitations and restrictions the said powers shall be exercised, may modify them from time to time, and may revoke them or any of them.

SECTION 22. The city council first chosen after the acceptance of this act shall, as soon as may be convenient after their organization, choose, by concurrent vote, six persons to be sinking fund commissioners, two for three years, two for two years, and two for one year; and thereafter the city council shall annually, as soon after their organization as may be convenient, choose, in the same manner, two persons, who shall hold their office for the term of three years next ensuing, and until others shall be chosen and qualified in their stead. Vacancies occurring in the commission may be filled by the concurrent vote of the city council at any time. The city council may, at any time, remove any member of said commission from office for cause.

Sinking fund
commissioners.

SECTION 23. The city council shall, in such manner as they shall determine, choose, or appoint all other subordinate officers, for whose election or appointment other provision is not herein made, define their duties, and fix their compensation.

Appointment of
subordinate
officers.

SECTION 24. The qualified voters of the city shall, on the first Tuesday of December next after the acceptance of this act, choose by ballot nine persons to be members of the school committee, three to be chosen for three years, three for two years, and three for one year, from the first Monday of January next ensuing; and thereafter three persons shall be chosen at each annual meeting, for the term of three years from the first Monday of January next ensuing; and the persons so chosen shall, with the mayor, constitute the school committee, and have the care and superintendence of the public schools. The school committee shall serve without compensation. The mayor shall be *ex officio* chairman of the board. The committee may choose from their own number a chairman, who shall preside in the absence of the mayor. The said committee shall appoint from their own number, or otherwise, a secretary, to be under the direction and control of said committee, and may appoint, but not from their own number, a superintendent of the schools, and the compensation of such secretary and superintendent shall be determined from year to year by the school committee, both of whom they may remove at their pleasure. Vacancies occurring

School
committee.

To serve with-
out compensa-
tion.

Secretary of
committee.

Superintendent
of schools.

Appropriations
for support of
schools.

in the board may be filled by the joint ballot of the city council and school committee at any time, in convention, the member so chosen to hold office only for the remainder of the municipal year. All the rights and obligations of said town of Malden, in relation to the grant and appropriations of money for the support of schools, and the special powers and authority heretofore conferred by law upon the inhabitants of said town to raise money for the support of schools therein, shall be merged in the powers and obligations of the city, to be exercised in the same manner as over other subjects of taxation; and all grants and appropriations of money for the support of schools, and the erection and repair of school houses in said city, shall be made by the city council in the same manner as grants and appropriations are made for other city purposes.

Officers to discharge their
duties after
removal to
another ward.

SECTION 25. All city and ward officers shall be held to discharge the duties of the offices to which they have been respectively chosen, notwithstanding their removal after their election out of their respective ward into any other wards of the city; but a removal of residence out of the city shall cause a vacancy to exist in the offices to which they were chosen.

Payments from
the treasury.

SECTION 26. The city council shall take care that no money be paid from the treasury unless granted or appropriated, and shall secure a just and proper accountability by requiring bonds, with sufficient penalties, and sureties from all persons trusted with the receipt, custody or disbursement of money.

City council to
lay out streets
and estimate
damages.

SECTION 27. The city council shall have exclusive authority and power to lay out any new street or town way, and to estimate the damages any individual may sustain thereby; but all questions relating to the subject of laying out, accepting, altering or discontinuing any street or way shall first be acted upon by the mayor and aldermen, and any person dissatisfied with the decision of the city council in the estimate of damages may make complaint to the superior court or the county commissioners of the county of Middlesex, in term time or vacation, within one year after such decision, whereupon the same proceedings shall be had as are now provided by the laws of this Commonwealth in cases where persons are aggrieved by the assessment of damages by selectmen, in the forty-third chapter of the General Statutes.

May make
ordinances
and by-laws.

SECTION 28. The city council shall have power within said city to make and establish such ordinances and by-laws, not inconsistent with the laws of the Commonwealth,

as cities and towns have power by law to make and establish, such ordinances and by-laws to have force and effect within such city; and to modify, amend or repeal the same; and to annex penalties not exceeding twenty dollars for the breach thereof: *provided, however*, that all laws and regulations in force in the town of Malden shall, until they shall expire by their own limitation, or be revised or repealed by the city council, remain in force; and all fines and forfeitures for the breach of any by-law or ordinance shall be paid into the city treasury, and any complaint for any violation thereof may be made by the mayor, city clerk, city treasurer, city marshal or chief of police.

Proviso.

SECTION 29. All elections of national, state, county and district officers, who are voted for by the people, shall be held at meetings of the citizens qualified to vote at such elections in their respective wards, at the time fixed by law for these elections respectively.

Election of national, state, county and district officers.

SECTION 30. Prior to every election, the mayor and aldermen shall make out lists of all the citizens of each ward qualified to vote in such elections, in the manner in which selectmen of towns are required to make out lists of voters; and for that purpose they shall have full access to the assessors' books and lists, and are empowered to call for the assistance of the assessors, and other city officers; and they shall deliver the lists so prepared and corrected to the clerks of the several wards, to be used at such elections; and no person shall be entitled to vote whose name is not borne on such list. A list of the voters of each ward shall be posted in one or more public places in said ward.

Lists of voters to be made out, and delivered to ward clerks, by the mayor and aldermen.

SECTION 31. General meetings of the citizens qualified to vote may from time to time be held to consult upon the public good, to instruct their representatives, and to take all lawful means to obtain redress for any grievances, according to the right secured to the people by the constitution of this Commonwealth, and such meetings may and shall be duly warned by the mayor and aldermen, upon the request in writing, setting forth the purposes thereof, of fifty qualified voters.

To be posted in each ward.

General meetings of citizens.

SECTION 32. All power and authority now vested by law in the board of health for the town of Malden, or in the selectmen thereof, shall be transferred to and vested in the mayor and aldermen, until the city council, who shall have authority to establish a board of health, shall otherwise provide.

Board of health.

SECTION 33. All acts, and parts of acts, inconsistent

Repeal.

with this act, are hereby repealed : *provided, however*, that the repeal of the said acts shall not affect any act done, nor any right accruing or accrued or established, nor any suit or proceeding had or commenced in any civil case before the time when such repeal shall take effect; and that no offence committed, and no penalty or forfeiture incurred under any act hereby repealed, and before the time when such repeal shall take effect, shall be affected by the repeal; and that no suit or prosecution pending at the time of the said repeal, for any offence committed or for the recovery of any penalty or forfeiture incurred under said acts, shall be affected by such repeal; and *provided, also*, that all persons who, at the time of the said repeal taking effect, shall hold any office under the said acts, shall continue to hold the same until the organization of the city government, contemplated by this charter, shall be completely effected.

Proviso.

First meeting
for election of
city officers.

SECTION 34. For the purpose of organizing the system of government hereby established, and putting the same in operation in the first instance, the selectmen of the town of Malden, for the time being, shall issue their warrants seven days at least previous to the first Tuesday of December next after the acceptance of this act, calling meetings of the citizens of each ward on that day, at such place and hour as they may deem expedient, for the purpose of choosing a warden, clerk and inspectors for each ward, and all other officers whose election is provided for in the preceding sections of this act; and the transcripts of the records in each ward specifying the votes given for the several officers aforesaid, certified by the warden and clerk of the ward at said first meeting, shall be returned to the selectmen, whose duty it shall be to examine and compare the same; and in case such elections should not be completed at the first meeting, then to issue new warrants until such elections shall be completed, and to give notice thereof, in manner before provided, to the several persons elected. And at said first meeting a list of voters in each ward, prepared and corrected by the selectmen for the time being, shall be delivered to the clerk of each ward, when chosen, to be used as herein before provided. After the choice of the city officers as aforesaid, or a majority of both boards, the selectmen shall appoint a place for their first meeting, and shall, by written notice left at the place of residence of each member, notify them thereof. And after this first election of city officers, and this first meeting for the organization of the city council, as pro-

List of voters in
each ward to be
delivered to
ward clerk.

vided for in this section, the day of holding the annual elections, and the day and hour for the meeting of the city council for the purpose of organization, shall remain as provided for in this act. It shall be the duty of the city council, immediately after the first organization, to carry into effect the several provisions of this act.

SECTION 35. This act shall be void, unless the inhabitants of the town of Malden, at a legal town meeting called for that purpose, to be held within two years from the passage of this act, shall, by a vote of a majority of the voters present, voting thereon as hereinafter provided, determine to adopt the same. At said meeting the votes shall be taken by written or printed ballots, and the polls shall be kept open not less than nine hours. The selectmen shall preside in said meeting, and in receiving said ballots shall use the check lists in the same manner as they are used in elections of state officers, and no meeting for this purpose shall be held during the months of November or December.

Act void unless accepted by a majority vote within two years.

SECTION 36. This act shall take effect upon its passage.

Approved March 31, 1881.

AN ACT TO AUTHORIZE THE PURCHASERS OF THE FRANCHISES AND PROPERTY OF THE FRAMINGHAM AND LOWELL RAILROAD COMPANY TO ORGANIZE A NEW CORPORATION.

Chap. 170

Be it enacted, etc., as follows :

SECTION 1. The Boston, Clinton, Fitchburg and New Bedford Railroad Company, being an attaching creditor of the franchises and property of the Framingham and Lowell Railroad Company, whenever it shall cause the same to be sold on execution, may bid therefor, and if it shall be the highest bidder, may purchase the same, and hold said franchises and property absolutely, and thereupon, with its associates and successors, and conformably to the provisions hereinafter contained, shall form a corporation under the name of the Lowell and Framingham Railroad Company. Said corporation shall hold and enjoy all the franchises and property sold on execution as aforesaid as its absolute property forever, with all the rights, powers and privileges theretofore belonging to said Framingham and Lowell Railroad Company, subject only to an existing lease to the said Boston, Clinton, Fitchburg and New Bedford Railroad Company, and to a first mortgage made to secure bonds to the amount of five hundred thousand dollars, dated April first in the year of our Lord one thousand eight hundred and seventy-one, and recorded with

If franchise and property is purchased by the Boston, Clinton, Fitchburg and New Bedford Railroad Company, new corporation to be formed.

Mortgage of property.

Middlesex county deeds, and subject to the proviso that the said corporation shall forthwith, after its organization, execute to the trustees under said mortgage of the Framingham and Lowell Railroad Company, a valid mortgage of all its property, in such form as shall be approved by the railroad commissioners to secure the payment of said mortgage bonds, with interest at the rate of five per cent. per annum, and the said bonds shall constitute a first lien upon the property of said Lowell and Framingham Railroad. Said corporation shall be subject to all general laws relating to railroad corporations not inconsistent with the provisions of this act.

New corporation may issue shares of preferred stock.

SECTION 2. The corporation formed under the provisions of this act is hereby authorized to issue not exceeding five thousand shares of preferred stock of the par value of one hundred dollars per share, and not exceeding five thousand two hundred and fifty shares of common stock, of the par value of one hundred dollars per share. The preferred stock issued under this act shall be entitled to receive dividends out of net earnings, and after deducting interest, in preference and priority to the common stock, such dividends in no case to exceed two and one-half per cent. on said stock for the six months preceding the time of declaring the same.

Preferred stock to be issued at par to creditors not secured by mortgage.

SECTION 3. The preferred stock authorized by the preceding section shall be issued at par to all creditors not secured by mortgage of the Framingham and Lowell Railroad Company, who shall elect in writing to receive the same at the meeting called for the organization of the new corporation, or within three months after the organization of the new corporation, including all attaching creditors and holders of its eight per cent. coupon notes, to the amount of their respective claims, and including past due coupons or interest warrants on said eight per cent. coupon notes without interest; and in full payment of said claims: *provided, however*, that the amount of said attaching creditor's debt shall, so far as its interest in the new corporation is concerned, be fixed at forty thousand dollars, being and for the amount of eight per cent. coupon notes of said Framingham and Lowell Railroad Company, with the amount of interest warrants due thereon added to said forty thousand dollars now held by said attaching creditor, and for no other indebtedness, and that the preferred stock to that amount issued to it, under this act, shall be in full payment of its entire claim, or claims, of any kind or description against said Framingham and

Proviso.

Lowell Railroad Company. The common stock authorized by the preceding section shall be issued share for share to the holders of the common stock of the Framingham and Lowell Railroad Company; *provided, however*, that any owner of the common stock of the Framingham and Lowell Railroad Company may, if he so elects in writing, at the meeting called for the organization of the new corporation, or within three months after the organization of the new corporation, have issued to him, in lieu of the shares of common stock in the new corporation, one share of preferred stock of the new corporation for every five shares of the common stock of the Framingham and Lowell Railroad Company of which he may be the holder.

Issue of common stock.

Proviso.

SECTION 4. Within two months after the sale as aforesaid, a meeting of the creditors, not secured by mortgage, and stockholders of said Framingham and Lowell Railroad Company shall be held at some convenient place on the line of said railroad, after notice signed by the president of the Boston, Clinton, Fitchburg and New Bedford Railroad Company and the president of the Framingham and Lowell Railroad Company, or by the purchaser at said sale other than said attaching creditor, if said purchaser shall elect to organize a corporation under this act, and published three times prior to the day of said meeting in at least one newspaper published in the cities of Boston, Lowell and Fitchburg, the first publication to be at least ten days prior to the day of said meeting, which notice shall set forth that said meeting is for the purpose of organizing the corporation under the provisions of this act.

Organization of corporation if purchaser is other than the attaching creditor.

SECTION 5. The creditors not secured by mortgage, and stockholders who, at the meeting provided for in the preceding section, shall signify in writing their election so to do, shall be entitled to receive as aforesaid, in exchange for their stock, and in payment of their debt, stock at par in the corporation formed under the provisions of this act, and they shall, at said meeting, organize the corporation by the choice of a clerk and a board of directors, according to law, and they may transact any business that may be required to complete such organization or to carry into effect the purposes and provisions of this act. All unsecured creditors, not electing to take preferred stock in the new corporation, shall be paid their ratable proportion of the proceeds of said sale, to be ascertained by deducting therefrom the amount of said attaching creditor's entire debt. If any person other than the said attaching creditor shall purchase at said sale, he may organize a corporation

Creditors not secured by mortgage and stockholders may receive stock in new corporation.

Creditors unsecured, not electing to take stock, to be paid ratable proportion of proceeds of sale.

under this act as above provided, and in such case the said attaching creditor shall have the option of receiving preferred stock for the full amount of its judgment debt and costs, or of receiving, in lieu thereof, a dividend in cash from the proceeds of sale upon its said judgment debt and costs, *pro rata* with all creditors, but in no case shall the Boston, Clinton, Fitchburg and New Bedford Railroad Company be required to waive its right to take the proceeds of said sale to the full amount of its judgment debt and costs, unless all *bona fide* subsequent attaching creditors waive all their rights under their attachments, and agree to share the proceeds of said sale ratably with all other unsecured creditors and said Boston, Clinton, Fitchburg and New Bedford Railroad Company.

When and how
act shall take
effect.

SECTION 6. This act shall take effect upon its passage, so far as to authorize a special meeting of the Framingham and Lowell Railroad Company to be called for the purpose of acting upon its acceptance; but it shall not take effect otherwise until accepted by said company at such meeting or at any adjournment thereof, and it shall not be binding upon the Boston, Clinton, Fitchburg and New Bedford Railroad Company unless, before the sale upon execution referred to in the first section, it is accepted by vote of the directors of said corporation, nor shall it affect the rights or liens of any party which are superior to the said attachment of said corporation.

Approved March 31, 1881.

Chap. 171 AN ACT TO ENABLE THE TOWN OF PEABODY TO IMPROVE ITS WATER WORKS AND INCREASE ITS WATER SUPPLY.

Be it enacted, etc., as follows :

May take and
hold land by
purchase or
otherwise.

SECTION 1. The town of Peabody, for the purpose of increasing the capacity and efficiency of its water works, is hereby authorized to take and hold, by purchase or otherwise, such lands in said town as may be necessary and convenient for erecting and maintaining an engine house and pumping station, and a stand-pipe or high-service reservoir, and any structures required in connection with said works; and on said lands may erect and maintain said works, buildings and structures, and any other appliances necessary and proper for said purpose, and may connect said works and structures with each other and with the aqueducts of said town, whether now or hereafter laid.

May erect and
maintain works
and buildings.

May lay pipes
over or under
any water
course, high-

SECTION 2. In the prosecution of said work, and for the purpose aforesaid, and for the purpose of connecting the water works now owned by said town or authorized by

this act with the new sources of water supply hereinafter mentioned, said town may lay and maintain pipes or other works over or under any water course, street, railroad, highway or other way, or any land whatever, and in general may do any other acts and things necessary and proper for the carrying out of said purposes; and if for said purposes said town enters upon or digs up any land, street or way, it shall restore the same to as good order and condition as it was in before such digging commenced, and the work shall be done in such manner and with such care as not to render such land, street or way unsafe or unnecessarily inconvenient to those entitled to use the same.

way, or other way.

May dig up land, etc.

SECTION 3. Said town is also authorized for the purposes aforesaid, and to increase its supply of water, to take, hold and convey into the reservoirs, aqueducts or other works now owned by said town, or authorized by this act, the waters of Cedar Pond in said town, and the waters of Humphrey's Pond situated partly in said Peabody and partly in Lynnfield, and the waters which flow into and from said ponds, and any water rights connected therewith, and may also take and hold, by purchase or otherwise, such lands around the margins of said ponds, not exceeding five rods in width, as may be necessary for the preservation and purity of said waters, and may also take and hold in like manner such lands as may be necessary for maintaining dams and reservoirs for the storage of said waters, and such lands as may be necessary for erecting and maintaining any works proper for the taking and distribution of said waters.

May take the waters of Cedar and Humphrey's Ponds.

May take land around margins of ponds, not exceeding five rods in width.

SECTION 4. The water board of said town of Peabody shall execute, superintend and direct the performance of all the works, matters and things mentioned in this act, unless it is otherwise provided herein, or unless other officers or agents shall be by vote of the town expressly chosen for said purpose.

Works to be under direction of the water board unless otherwise voted by the town.

SECTION 5. Said town of Peabody, within sixty days after the taking of any land as aforesaid, shall file in the registry of deeds for the southern district of the county of Essex a description thereof sufficiently accurate for identification, and the title of all land so taken shall vest in said town.

To file in registry of deeds, a description of the land taken.

SECTION 6. Said town of Peabody shall be liable to pay all damages sustained by any persons or corporations by the taking of any land, water, water rights, franchises or property, or by the constructing of any aqueducts, reservoirs or other works for the purposes aforesaid. If any

Liability of town for damages.

Damages.

person or corporation, sustaining damages as aforesaid, cannot agree with the town upon the amount of such damages, he may have them assessed and paid in the same manner as is provided by law with respect to land taken for highways; but no application shall be made for the assessment as aforesaid of damages for the taking of any water rights or for any injury thereto until the water is actually withdrawn or diverted by the town; and any person or corporation whose water rights are thus taken or affected may apply as aforesaid at any time within three years from the time when the water is first actually withdrawn or diverted.

Notes or bonds
may be issued
not exceeding
\$100,000.

SECTION 7. For the purpose of defraying the cost and expenses which may be incurred in any work or taking of property under the provisions of sections one and two of this act, said town of Peabody, through its treasurer, shall have authority to issue from time to time promissory notes or bonds to an amount not exceeding one hundred thousand dollars, bearing interest at a rate not exceeding six per centum per annum, the principal payable at periods not more than thirty years from the issuing of said notes or bonds. Said town may sell the same or any part thereof, from time to time, or pledge the same for money borrowed for the purpose aforesaid on such terms and conditions as it may deem proper. Said town is further authorized to make appropriations and assess from time to time such amounts as may be necessary to pay the interest on said loans and the principal at the maturity of said notes or bonds.

May raise
money by taxa-
tion to pay for
water or land
taken under
section three.

SECTION 8. In case said town of Peabody shall take any waters, water rights or land, or construct aqueducts or other works in connection with said new sources of supply, under the provisions of section three of this act, said town is authorized, for the purpose of defraying the cost and expenses occasioned thereby, to raise sufficient money therefor by taxation, or by borrowing in manner provided in section seven of this act; and also to appropriate and assess such amounts as may be necessary to pay the interest on any sum so borrowed, and the principal when due.

Act void unless
accepted by a
majority vote
within two
years.

SECTION 9. This act shall take effect upon its passage, and shall become void unless accepted within two years by a majority vote of the legal voters of the town of Peabody, present and voting at a legal meeting called for that purpose; and no more than three meetings shall be called for said purpose in any one year.

Approved April 6, 1881.

AN ACT TO INCORPORATE THE TOWN OF WELLESLEY.

*Chap. 172**Be it enacted, etc., as follows:*

SECTION 1. All that territory lying within the limits of the town of Needham northerly and westerly of a line beginning at a point in the boundary line between the towns of Needham and Dover seventy-five feet northerly from the central line of Charles River Street where it crosses Charles River; thence running north-easterly about four miles and seventy-six one-hundredths of a mile to a point in the centre of the reservoir, so called, near the village of Newton Upper Falls, two hundred feet easterly from a point in the centre line of Reservoir Street midway between the abutments of the bridge by which said Reservoir Street crosses said reservoir; thence running easterly by the centre line of said reservoir about fourteen hundred feet to a point in the boundary line between the town of Needham and the city of Newton near the centre of Charles River, is hereby incorporated into a town by the name of Wellesley; and the said town is hereby invested with all the powers, privileges, rights and immunities and is subject to all the duties and requisitions to which other towns are entitled and subject by the constitution and laws of this Commonwealth.

Town of
Wellesley
incorporated.

SECTION 2. The inhabitants of said town of Wellesley shall pay all taxes which have been legally assessed upon them by the town of Needham; and all such taxes not now collected shall be collected by and paid to the proper officers of the town of Needham in the same manner as if this act had not passed, and, until the next state valuation, the proportion of the state and county taxes to be assessed upon the towns of Needham and Wellesley shall be ascertained and determined by the last valuation of the town of Needham; and the assessors of the town of Needham shall make return of said valuation, and of the proportions thereof in the towns of Needham and Wellesley respectively, to the secretary of the Commonwealth, and to the commissioners of the county of Norfolk.

Payment of
assessed taxes.

SECTION 3. Said towns of Needham and Wellesley shall be respectively liable for the support of all persons who now are, or who shall hereafter be, in need of relief as paupers, whose settlements were gained, whether by original acquisition or by derivation, within their respective limits; and the town of Wellesley shall pay annually to the town of Needham two-thirds of the cost paid by the town of Needham for the support or relief of paupers whose settlements were acquired in Needham in conse-

Support of
paupers.

quence of military services in the war of the rebellion: *provided*, that the person who rendered such military services was not at the time of his enlistment an inhabitant of the town of Needham.

Property to be
equally divided
between Need-
ham and
Wellesley.

Proviso.

SECTION 4. All the property both real and personal including claims and rights of action belonging to the town of Needham at the time of the passage of this act, shall be equally divided between the towns of Needham and Wellesley: *provided, however*, that each of said towns shall hold, retain and own all of said property now within their respective limits; but if either of said towns shall hold and retain more than one-half in value of said property belonging to the town of Needham at the time of the passage of this act, such town shall pay to the other town a sum of money equal to the excess in value of the property so held and retained, over one-half of all said property belonging to the town of Needham at the time of the passage of this act; *provided, nevertheless*, that the town records, public documents, standard weights and measures, and other property of similar nature, shall be the property of and remain in the custody of the town of Needham.

Debts to be
paid by towns
in proportion to
assessed valua-
tion of property.

SECTION 5. The town of Wellesley shall assume, pay and discharge a proportion of all the debts and liabilities of the town of Needham at the time of the passage of this act equal to the proportion which the assessors' valuation of the taxable property, real and personal, within the limits of the town of Wellesley bore to the assessors' valuation of the whole amount of taxable property, real and personal, in the town of Needham on the first day of May last past.

Maintenance of
public schools,
highways and
bridges.

SECTION 6. The annual excess, if any, of maintaining the public schools, highways and bridges in that part of the town of Needham remaining after the division of said town, as provided in this act, over and above the expense of maintaining the public schools, highways and bridges in that part of Needham incorporated as the town of Wellesley, if not agreed upon by the selectmen of Needham and Wellesley, shall be ascertained by the commissioners provided for in section ten of this act, on the basis of the average number of scholars in the public schools of legal school age for the year eighteen hundred and eighty, and the length and condition of the highways and bridges on the first day of January last past; and the town of Wellesley shall pay of such excess in the proportion which the valuation, real and personal, in the year eighteen hundred

and eighty of the part of Needham hereby incorporated as the town of Wellesley, bore to the valuation, real and personal, of the remaining part of said town of Needham, and shall provide for, pay and discharge the same as follows, to wit: the town of Wellesley shall pay to the town of Needham a sum of money, the annual interest of which, at five per cent., shall equal in amount the part of such excess to be paid by the town of Wellesley, as herein provided.

SECTION 7. The town of Wellesley shall receive one-half of whatever amount may be refunded to the town of Needham from the Commonwealth or the United States to reimburse said town of Needham for bounties to soldiers, or state aid paid to the family of any soldier, after deducting reasonable expenses.

Re-imbursement
for bounties or
state aid to
soldiers.

SECTION 8. The town of Wellesley shall bear the expense of making the survey of and establishing the line between the towns of Needham and Wellesley.

Expenses of
survey.

SECTION 9. All suits and proceedings at law or in equity, where the cause of action in favor of or against the town of Needham arose before the passage of this act, may be instituted, prosecuted or defended, as the case may be, by the town of Needham in the same manner and with the same effect as if this act had not been passed; and the amount recovered in any such suit or proceeding by or against the town of Needham shall be received or paid, as the case may be, and divided between the towns of Needham and Wellesley in the same proportions as the public property and debts of said town of Needham are required to be divided by this act.

Suits and pro-
ceedings at law
or in equity.

SECTION 10. In case the towns of Needham and Wellesley shall not agree in respect to the division of the property or debts of the town of Needham, or in respect to the establishment of the boundary line between said towns, or in respect to the amount of money, if any, to be paid by the town of Wellesley to the town of Needham under the provisions of the sixth section of this act, the supreme judicial court for the county of Norfolk shall, upon petition of either one of said towns, and after reasonable notice to the other, appoint three discreet persons as commissioners to hear the parties and determine the differences. Said petition may be filed and said appointment may be made in vacation or in term time. The award of a majority of said commissioners, when returned to and accepted by the court, shall be final; but the court shall have power for proper cause shown to set aside said award,

Division of
debts and
property.

Award of
commissioners.

or to recommit it to the commissioners, or to remove said commissioners and to appoint others in their stead. And the court shall have power to render judgment or make any order or decree upon said award, to issue execution or any other proper process to enforce such judgment, decree or order.

Election
districts.

SECTION 11. The town of Wellesley shall, until otherwise provided by law, continue to be a part of the eighth congressional district, of the second councillor district, of the second Norfolk senatorial district, and of the ninth representative district of Norfolk County. The inhabitants of said town of Wellesley shall vote for each of said officers in the town of Wellesley. The selectmen and clerk of said town of Wellesley in each of said cases shall make returns as if said town had existed at the time of the formation of said districts.

First meeting
for election of
town officers.

SECTION 12. Any justice of the peace within and for the county of Norfolk, whose residence is in the town of Wellesley, may issue his warrant, directed to any inhabitant of said town of Wellesley, requiring him to notify and warn the inhabitants thereof, qualified to vote in town affairs, to meet at the time and place therein appointed for the purpose of choosing all such officers as towns are by law authorized and required to choose at their annual meetings; and said warrant shall be served by posting up copies thereof, attested by the person to whom the same is directed, in three or more public places in said town of Wellesley, seven days at least, before such time of meeting. Such justice, or in his absence such inhabitant required to notify the meeting, shall preside until the choice of moderator in said town meeting. The selectmen of said town of Needham shall before said meeting prepare a list of voters in said town of Wellesley, qualified to vote at said meeting, and shall deliver the same to the person presiding at such meeting before the choice of moderator thereof.

SECTION 13. This act shall take effect upon its passage.

Approved April 6, 1881.

Chap. 173 AN ACT TO PROVIDE FOR THE LAYING OUT OF PUBLIC PARKS IN THE CITY OF NEWTON.

Be it enacted, etc., as follows :

Park commis-
sioners to be
appointed.

SECTION 1. The mayor of the city of Newton, with the approval of the city council, shall, as soon as may be after this act shall take effect, appoint five competent commissioners, who shall hold their offices until the expiration of terms of one, two, three, four and five years, respectively,

from the first day of May in the year eighteen hundred and eighty-one. The mayor shall, with like approval, before the first day of May in each year after the year eighteen hundred and eighty-one, appoint a commissioner to continue in office for the term of five years from said day. No person shall be a commissioner who is at the same time a member of the city council of said city; and any commissioner may at any time be removed by a concurrent vote of two-thirds of the whole of each branch of said council.

SECTION 2. Said commissioners shall constitute a board of park commissioners, and any vacancy occurring in said board shall be filled, for the residue of the term of the commissioner whose place is to be filled, in the same manner in which such commissioner was originally appointed. Said commissioners shall serve without compensation.

Vacancies in board.

SECTION 3. Said board shall have power to locate within the limits of the city of Newton, one or more public parks; and for that purpose, from time to time, to take in fee, by purchase, gift, devise or otherwise, any and all such lands as said board may deem desirable therefor, or to take bonds for the conveyance thereof to said city; to lay out, improve, govern and regulate any such park or parks, and the use thereof; to make rules for the use and government thereof, and for breaches of such rules to affix penalties not exceeding twenty dollars for one offence, to be imposed by any court of competent jurisdiction; to appoint all necessary engineers, surveyors, clerks and other officers, including a police force to act in such parks; to define the powers and duties of such officers, and fix the amount of their compensation; and generally to do all needful acts for the proper execution of the powers and duties granted to or imposed upon said city, or said board, by this act: *provided, however*, that no land shall be taken, or other thing involving an expenditure of money done, until an appropriation sufficient to cover the estimated expense thereof shall have been made by a vote of two-thirds of each branch of the city council of said city.

Commissioners may locate parks in Newton, and take land, etc.

May appoint officers and fix their compensation.

Proviso.

SECTION 4. Said board shall, within sixty days after the taking of any land under this act, file in the registry of deeds for the county in which the land is situated a description thereof, sufficiently accurate for identifying the same.

To file in the registry of deeds a description of the land taken.

SECTION 5. Said board shall estimate and determine all damages sustained by any persons by the taking of land,

To estimate and determine damages.

or other acts of said board, in the execution of the powers vested in them by this act; but any person aggrieved by any such determination of said board may have his damages assessed by a jury of the superior court, in the same manner as is provided by law with respect to damages sustained by reason of the laying out of ways. If upon trial damages are increased beyond the award, the party in whose favor the award was made shall recover his costs; otherwise he shall pay costs; and costs shall be taxed as in civil cases.

Liability of city
for damages.

SECTION 6. The fee of all lands taken or purchased by said board under this act shall vest in the city of Newton, and said city shall be liable to pay all damages assessed or determined, as provided in the preceding section, and all other costs and expenses incurred by said board in the execution of the powers vested in them by this act. Said city shall also be authorized to take and hold in trust or otherwise any devise, grant, gift or bequest that may be made for the purpose of laying out, improving or ornamenting any parks in said city.

City may take
bequests, etc.,
for improving
parks.

Assessments for
betterments.

SECTION 7. Any real estate in the city of Newton, which in the opinion of said board shall receive any benefit and advantage from the locating and laying out of a park under the provisions of this act, beyond the general advantages to all real estate in the city of Newton, may, after like notice to all persons interested as is provided by law to be given by the mayor and aldermen of the city of Newton, in cases of laying out streets and ways in said city, be assessed by said board for a proportional share of the expense of such location and laying out: *provided*, that the entire amount so assessed upon any estate shall not exceed one-half of the amount which said board shall adjudge to be the whole benefit received by it.

Proviso.

Assessments to
be made within
two years.

SECTION 8. No assessment shall be made as provided in the preceding section except within two years after the passage of the order, the execution of which causes the benefit for which the assessment is made.

To constitute a
lien upon the
estate assessed.

SECTION 9. All assessments made under this act shall constitute a lien upon the real estate so assessed, to be enforced and collected by the city of Newton in the same manner and with like charges for costs and interest as is provided by law for the collection of taxes; and such assessments may be apportioned by said board in like manner as assessments for benefits caused by the laying out of ways may now be apportioned by the city council of said city.

SECTION 10. Any person aggrieved by any assessment made by said board may have the amount of the benefit received by his estate assessed by a jury of the superior court, by proceedings in like manner as is provided by law with respect to assessments for betterments in the case of ways, and subject to like provisions of law as to lien and costs.

Person aggrieved may have amount assessed by a jury of the superior court.

SECTION 11. When an assessment is made under this act upon an estate, the whole or any portion of which is leased, the owner of the estate shall pay the assessment, and may thereafter collect of the lessee an additional rent for the portion so leased, equal to six per centum per annum on that proportion of the whole sum paid which the leased portion bears to the whole estate after deducting from the whole sum so paid any amount he may have received for damages to the estate above what he has necessarily expended on such estate by reason of such damages.

When estate is leased, portion of assessment to be paid by lessee.

SECTION 12. For the purpose of defraying the expenses incurred under the provisions of this act, the city council of Newton shall have authority to issue, from time to time, and to an amount not exceeding the amount actually expended for the purchase or taking of lands for said parks, bonds or certificates of debt, to be denominated on the face thereof, the "Public Park Loan," and to bear interest at such rates and to be payable at such periods as said council may determine. For the redemption of such loan said council shall establish a sinking fund sufficient, with the accumulating interest, to provide for its payment at maturity. All sums paid for betterments shall be paid into said sinking fund, until such sum shall amount to a sum sufficient, with its accumulation, to pay at maturity the bonds for the security of which the fund was established.

Public park loan.

Sinking fund to be established.

SECTION 13. No street or way, and no steam or horse railroad, shall be laid out over any portion of any park located under this act, except at such places and in such manner as said board shall approve.

Streets not to be laid out over park.

SECTION 14. No military encampment, parade, drill, review, or other military evolution or exercise shall be held or performed on any park laid out as aforesaid, except with the prior consent of said board; nor shall any military body, without such consent, enter or move in military order within the same, except in case of riot, insurrection, rebellion or war.

Military parade not to be allowed without consent of board.

SECTION 15. Said board shall annually, in the month of December, make to the city council of Newton a full

Annual report to be made by board.

report of its doings for the preceding year, including a detailed statement of all its receipts and expenditures.

Subject to acceptance by a majority vote.

SECTION 16. This act shall not take full effect unless accepted by a majority of the legal voters of the city of Newton, present and voting thereon by ballot and using the check list, at meetings which shall be held in the several wards of said city on the second Wednesday of June, in the present year, and upon notice thereof duly given at least seven days before the time of said meetings; and the polls shall be opened not later than seven o'clock in the forenoon, and closed not earlier than five o'clock in the afternoon, of said day. In case of the absence of any ward officer at any ward meeting in said city, held for the purpose aforesaid, a like officer may be chosen *pro tempore* by hand vote, and shall be duly qualified, and shall have all the powers and be subject to all the duties of the regular officer at said meetings. Said ballots shall be "Yes," or "No," in answer to the question: "Shall an act passed by the legislature of the Commonwealth, in the year eighteen hundred and eighty-one, entitled 'An Act to provide for the laying out of public parks in the city of Newton,' be accepted?" Such meetings shall be called, notified and warned by the board of aldermen of said city in the same manner in which meetings for the elections of municipal officers are called, notified and warned. The ballots given in shall be assorted, counted and declared in open ward meeting, and shall be registered in the ward records. The clerk of each ward shall within forty-eight hours of the close of the polls make return to the board of aldermen of the number of ballots cast in his ward in favor of the acceptance of this act, and of the number cast against its acceptance. And it shall be the duty of the board of aldermen to certify, as soon as may be, to the secretary of the Commonwealth, the whole number of ballots cast in favor of the acceptance of this act and of the number cast against its acceptance; and if it shall appear that a majority of the ballots have been cast in favor of acceptance, the said secretary shall immediately issue and publish his certificate declaring this act to have been duly accepted.

Return to be made to the secretary of the Commonwealth.

SECTION 17. So much of this act as authorizes and directs the submission of the question of its acceptance to the legal voters of the city of Newton, shall take effect upon its passage.

Approved April 6, 1881.

AN ACT TO SUPPLY THE TOWN OF WEYMOUTH WITH PURE WATER. *Chap. 174*
Be it enacted, etc., as follows :

SECTION 1. The town of Weymouth is hereby authorized to supply itself and its inhabitants with pure water to extinguish fires, generate steam, and for domestic and other uses; and may establish public fountains and hydrants, regulate their use, and discontinue the same, and may collect such rents as may be fixed for the use of said water.

Water supply
for town of
Weymouth.

SECTION 2. Said town for the purposes aforesaid may take and hold the waters of Weymouth Great Pond, so called, in the town of Weymouth, and the waters which flow into and from the same, together with any water rights connected therewith, and may also take and hold, by purchase or otherwise, all necessary lands for raising, flowing, holding, diverting, conducting, purifying and preserving such waters, and conveying the same to any and all parts of said town of Weymouth; and may erect thereon proper dams, reservoirs, buildings, fixtures, and other structures, and make excavations and embankments, and procure and run machinery therefor; and for the purposes of this act may construct and lay down conduits, pipes and drains in, under or over any lands, water courses, or railroads, and along any street, highway, alley, or other way, but in such a manner as not unnecessarily to obstruct the same; and for the purpose of constructing, laying down, maintaining, and repairing such conduits, pipes and drains, and for all other proper purposes of this act, may dig up, raise, and embank any such lands, street, highway, alley, or other way, in such a manner as to cause the least hindrance to travel thereon: *provided*, that within ninety days after the time of taking any lands, waters, or water courses as aforesaid, otherwise than by purchase, said town shall file in the registry of deeds for the county of Norfolk a description thereof sufficiently accurate for identification, with a statement of the purposes for which the same is taken, signed by a majority of the water commissioners hereinafter named.

May take the
waters of Wey-
mouth Great
Pond.

May take lands,
and erect dams
and reservoirs.

May dig up
streets.

To file in regis-
try of deeds a
description of
the land and
waters taken.

SECTION 3. Said town of Weymouth shall be liable to pay all damages sustained by any persons or corporations in their property by the taking of any lands, water, or water rights, or by the construction of any aqueducts or other works for the purposes aforesaid. If any person or corporation sustaining damages as aforesaid cannot agree with the town upon the amount of such damages, they may have them assessed in the manner provided by

Liability of
town for
damages.

law with respect to land taken for highways; but no application shall be made to the county commissioners for the assessment of damages for the taking of water rights, until the water is actually taken and diverted by said town. Any person whose water rights are thus taken or affected may apply as aforesaid within three years from the time the water is actually withdrawn or diverted, and not thereafterwards.

Weymouth
water loan.

SECTION 4. For the purpose of paying all necessary expenses and liabilities incurred under the provisions of this act, said town of Weymouth shall have authority, from time to time, to issue notes, bonds, or scrip, signed by its treasurer and countersigned by the chairman of the selectmen thereof, to be denominated "Weymouth Water Loan," to an amount not exceeding three hundred thousand dollars, payable at periods not exceeding thirty years from the date thereof, with interest payable semi-annually, at a rate not exceeding seven per centum per annum; and said town may sell said bonds at public or private sale, upon such terms and conditions as it may deem proper, and may raise money by taxation to pay said bonds and interest thereon when due; but said town shall not raise more than five thousand dollars in any one year to pay the principal of said bonds, except the year in which the same may become due.

Board of water
commissioners.

SECTION 5. The treasurer of said town and the chairman of the selectmen thereof, *ex officio*, and three persons to be elected by ballot by the said inhabitants, as herein-after provided, shall form a board of water commissioners, who shall execute, superintend and direct the performance of all the works, matters and things mentioned in this act, and exercise all the rights, powers and privileges hereby granted, and not otherwise specifically provided for herein, subject to the vote of said town.

To hold office
for three years.

SECTION 6. At any annual meeting of the inhabitants of said town, or at any special meeting called for the purpose, one of the three persons to be elected according to the provisions of the preceding section shall be elected for a term ending one year, one for a term ending two years, and one for a term ending three years, from the next succeeding annual town meeting; after which first election a member of said board, as the term of each expires, shall be elected at the annual town meeting for the term of three years. Vacancies may be filled at any town meeting duly called for the purpose. Said commissioners shall receive such compensation as the said town by vote

Vacancies.

Compensation.

may prescribe; and a majority of said commissioners shall be a quorum for the exercise of the powers and duties prescribed by this act.

SECTION 7. Said water commissioners shall, from time to time, establish such prices or rents for the use of the water as to provide annually, if practicable, from the net income and receipt therefor, for the payment of the interest on the "Weymouth Water Loan," and also, after three years from the introduction of the water into said town, for the further payment of not less than one per centum of the principal of said bonds. The net surplus income and receipts, after deducting all expenses, interest and charges of distribution, shall be set apart as a sinking fund, and applied solely to the payment of the principal of said bonds until the same are fully paid and discharged. Said water commissioners shall be trustees of said fund, and shall annually, and as often as said town may require, render an account of all their doings in relation thereto.

May establish
water rates.

Sinking fund.

SECTION 8. At any time after the expiration of three years from the introduction of said water into said town, and before the re-imbursment of the principal of said "Weymouth Water Loan," if the surplus income and receipts for the use of the water distributed under this act at the price established by the water commissioners, after deducting all expenses and charges of distribution, shall for any two successive years be insufficient to pay the accruing interest on the said loan, and the one per centum to the sinking fund as aforesaid, then the supreme judicial court, or any justice thereof, on the petition of twenty-five or more of the legal voters of said town, praying that the said price of said water be increased so far as may be necessary for the purpose of paying from the said surplus income and receipts the said accruing interest, and the said one per centum to the sinking fund, — and upon due notice of the pendency of such petition, given to said town in such manner as said court shall order, — may appoint three commissioners, who, upon due notice to the parties interested, may raise and increase the said price if they shall judge proper, so far as may be necessary for the purpose aforesaid, and no further; and the award of said commissioners, or the major part of them, being returned to said court at the next term thereof for the county of Norfolk, and accepted by said court, shall be binding and conclusive for the term of three years next after the said acceptance, and until the price so fixed shall, after said term, be changed by the said water commissioners or by said town.

Water rates
may be in-
creased after
three years, if
income is insuf-
ficient to pay
accruing in-
terest.

Liability of
tenant and
occupant of
building.

SECTION 9. The occupant of any tenement or building shall be liable for the payment of the rent for the use of the water in such tenement or building, and the owner thereof shall also be liable, on being notified of such use, until he shall object thereto by written notice to said water commissioners.

Penalty for
diverting water
or rendering the
same impure.

SECTION 10. Any person who shall use said water without the consent of the town, or who shall wantonly or maliciously divert the water, or any part thereof, taken, held or used under the provisions of this act, or who shall wantonly or maliciously corrupt the same, or render it impure, or who shall wantonly or maliciously destroy or injure any dam, conduit, aqueduct, pipe or hydrant, or other property real or personal, held, owned or used by the said town for the purposes of this act, shall pay three times the actual damage to said town, to be recovered in an action of tort. Any such person, on conviction of either of the wanton or malicious acts aforesaid, shall be punished by fine not exceeding one hundred dollars, or imprisonment not exceeding six months, or both said penalties.

Subject to ac-
ceptance by a
majority vote.

SECTION 11. This act shall take effect upon its passage; but nothing shall be done, or any expenditure made, or liability incurred under the same, except for preliminary surveys and estimates, unless this act shall first be accepted by vote of a majority of the legal voters of said town, present and voting thereon at a legal meeting called for that purpose, within three years from the date of the passage of this act; the number of said meetings called for that purpose in one year not to exceed three.

Approved April 6, 1881.

Chap. 175 AN ACT RELATIVE TO EXTRA CLERICAL ASSISTANCE IN THE OFFICE OF THE DEPUTY TAX COMMISSIONER AND COMMISSIONER OF CORPORATIONS.

Be it enacted, etc., as follows:

Compensation
of extra clerks.

SECTION 1. Section two of chapter two hundred and eighty-eight of the acts of the year eighteen hundred and seventy-nine is hereby amended by striking out the word "eleven," in said section, and inserting in place thereof the word "twelve"; and also by striking out the proviso at the end of said section.

SECTION 2. This act shall take effect upon its passage.

Approved April 6, 1881.

AN ACT TO EMPOWER THE "BAPTIST RELIGIOUS SOCIETY IN HAVERHILL" TO CONVEY ITS REAL ESTATE FREE OF TRUSTS. *Chap. 176*

Be it enacted, etc., as follows :

SECTION 1. The "Baptist Religious Society in Haverhill," is hereby authorized and empowered to sell and convey free and discharged of all uses and trusts which may affect all or any part thereof, and in such manner as it may by vote determine, the land with the meeting-house of said society thereon situated in Haverhill in the county of Essex, on the north side of Merrimac Street, and extending from How Street to Pecker Street.

May convey
real estate free
of trusts.

SECTION 2. The said society shall invest the proceeds of the sale of said land and building in a manner as nearly as may be in accordance with the purposes for which they are now held.

Investment of
proceeds.

SECTION 3. This act shall take effect upon its passage.

Approved April 6, 1881.

AN ACT TO CHANGE THE NAME OF THE "SECOND UNIVERSALIST SOCIETY IN THE TOWN OF WESTERN." *Chap. 177*

Be it enacted, etc., as follows :

SECTION 1. The name of the "Second Universalist Society in the town of Western," is hereby changed to that of the Universalist Society of Warren.

Name changed
to the Univer-
salist Society of
Warren.

SECTION 2. All rights to real property heretofore intended to be conveyed to the Second Universalist Society in the Town of Western under the name of the Second Universalist Society of Warren shall vest in the Universalist Society of Warren.

SECTION 3. This act shall take effect upon its passage.

Approved April 6, 1881.

AN ACT TO PROVIDE FOR AN ENGINEER AT THE STATE PRISON AT CONCORD. *Chap. 178*

Be it enacted, etc., as follows :

SECTION 1. Section seven of chapter one hundred and seventy-nine of the General Statutes is hereby amended by inserting after the word "turnkeys," in the third line, the words "one engineer."

Engineer to be
an "officer" of
the prison.

SECTION 2. The engineer at the state prison at Concord shall be appointed by the warden, subject to the approval of the commissioners of prisons, and shall hold his office during the pleasure of the warden and commissioners. His compensation shall be fixed by the commissioners of prisons.

To be appointed
by warden with
approval of
commissioners.

SECTION 3. This act shall take effect upon its passage.

Approved April 6, 1881.

Chap. 179 AN ACT TO PROVIDE FOR THE ASSISTANCE OF DISCHARGED FEMALE CONVICTS.

Be it enacted, etc., as follows:

Agent for rendering assistance to discharged female convicts.

SECTION 1. The commissioners of prisons may employ a woman to act as their agent in rendering assistance to female prisoners discharged from the prisons in this Commonwealth. Said agent shall counsel and advise such prisoners, assist them in obtaining employment, and under the direction of the commissioners may render them such pecuniary aid as she shall deem advisable, and may be paid for her services a salary to be fixed by the commissioners, not to exceed seven hundred dollars a year; but the whole amount paid for the purposes of this act shall not exceed three thousand dollars in any one year.

Repeal.

SECTION 2. So much of section twenty-seven of chapter two hundred and ninety-four of the acts of the year eighteen hundred and seventy-nine as authorizes the commissioners of prisons to expend money for the assistance of convicts discharged from the reformatory prison for women, and chapter thirty-three of the resolves of the year eighteen hundred and eighty, are hereby repealed.

SECTION 3. This act shall take effect upon its passage.

Approved April 6, 1881.

Chap. 180 AN ACT TO AMEND SECTION SIXTY-FOUR OF CHAPTER ONE HUNDRED AND THIRTY-SIX OF THE GENERAL STATUTES, RELATING TO THE PARTITION OF LANDS.

Be it enacted, etc., as follows:

On whom partition is binding. G. S. 136, § 64.

Section sixty-four of chapter one hundred and thirty-six of the General Statutes is amended by adding at the end thereof the words, "or by publication of notice in the manner provided in section fifty-one, and on all persons claiming under them." *Approved April 6, 1881.*

Chap. 181 AN ACT TO AMEND "AN ACT RELATIVE TO THE PRINTING AND DISTRIBUTING OF BALLOTS AT ELECTIONS."

Be it enacted, etc., as follows:

Ballots at elections. 1880, 92, § 1.

SECTION 1. Section one of chapter ninety-two of the acts of the year one thousand eight hundred and eighty is hereby amended by inserting the word "or," in the third line thereof after the word "county," and before the word "city," and by striking out the words "or town," in said third line after the word "city," and before the word "officers."

SECTION 2. This act shall take effect upon its passage.

Approved April 6, 1881.

AN ACT TO AMEND CHAPTER ONE HUNDRED AND SIXTY-EIGHT
OF THE ACTS OF THE YEAR ONE THOUSAND EIGHT HUNDRED
AND SIXTY-ONE RELATING TO THE INSPECTION OF GAS-METERS.

Chap. 182

Be it enacted, etc., as follows :

SECTION 1. The fees provided for in section four of chapter one hundred and sixty-eight of the acts of the year one thousand eight hundred and sixty-one shall be collected by the inspector, who shall pay therefrom such reasonable salaries to the deputies appointed by him in accordance with said section as may be agreed upon between them and the inspector, and also office rent and office expenses.

Fees for inspection of gas-meters by deputies, to be collected by inspector.

SECTION 2. So much of said section four as is inconsistent with the provisions of this act is hereby repealed.

Repeal.

SECTION 3. This act shall take effect upon its passage.

Approved April 6, 1881.

AN ACT CONCERNING THE TRANSFER OF INSANE PERSONS FROM
PRIVATE ASYLUMS.

Chap. 183

Be it enacted, etc., as follows :

Upon application of the director, manager or trustees of any private asylum for the insane, the board of health, lunacy and charity shall have the power to transfer any inmate of such asylum to another private asylum, or to a state lunatic hospital; provided the legal or natural guardian of such patient shall consent to the transfer.

Transfer of insane persons from private asylums to other asylums or hospitals.

Approved April 6, 1881.

AN ACT IN RELATION TO THE KILLING WITHOUT APPRAISAL OF
ANIMALS DISEASED WITH GLANDERS OR FARCY.

Chap. 184

Be it enacted, etc., as follows :

SECTION 1. In all cases of glanders or farcy the commissioners on contagious diseases among cattle, having condemned the animal infected therewith, shall cause the same to be killed without appraisal, but may compensate the owner thereof in such equitable sum as shall pay for the killing and burial of the same.

Owners of animals killed without appraisal may be compensated.

SECTION 2. Chapter one hundred and sixty of the acts of the year eighteen hundred and seventy-nine is hereby repealed.

Repeal.

SECTION 3. This act shall take effect upon its passage.

Approved April 6, 1881.

Chap. 185 AN ACT TO AMEND "AN ACT RELATING TO BOARDS OF HEALTH IN THE SEVERAL CITIES OF THE COMMONWEALTH."

Be it enacted, etc., as follows:

Boards of health in cities may enforce regulations concerning house drainage.

SECTION 1. Chapter one hundred and thirty-three of the acts of the year eighteen hundred and seventy-seven is hereby amended by striking out from the fifth section the last five words as follows: "where such connection is made," and inserting in place thereof the words, "where a public sewer abuts the estate to be drained."

SECTION 2. This act shall take effect upon its passage.
Approved April 6, 1881.

Chap. 186 AN ACT CONCERNING THE EXPENSES OF THE EXAMINATION AND COMMITMENT OF INSANE PERSONS.

Be it enacted, etc., as follows:

Expenses of commitment, etc., to be paid by the county.

SECTION 1. All necessary expenses attending the apprehension, examination, trial or commitment of a lunatic, shall be allowed and certified by the judge or magistrate before whom the case is brought and be paid out of the county treasury.

Commitment to Boston lunatic hospital.

SECTION 2. The fees for the commitment of lunatics to the Boston lunatic hospital shall be paid by the county of which the alleged lunatic is an inhabitant, as if the commitment were made to a state lunatic hospital.

Approved April 6, 1881.

Chap. 187 AN ACT CONCERNING RETURNS OF REGISTERS OF PROBATE AND INSOLVENCY, REGISTERS OF DEEDS, AND COMMISSIONERS OF INSOLVENCY.

Be it enacted, etc., as follows:

Not required to make returns to commissioners of savings banks.
1880, 161, § 1.

Section one of chapter one hundred and sixty-one of the acts of the year eighteen hundred and eighty is hereby amended by striking out the words "registers of probate and insolvency, registers of deeds," and "commissioners of insolvency," wherever they occur in said section.

Approved April 6, 1881.

Chap. 188 AN ACT TO PROVIDE THAT CERTAIN PERSONS HAVING RELATIVES SUPPORTED AT THE EXPENSE OF THE STATE IN CERTAIN PUBLIC INSTITUTIONS, SHALL NOT FOR THAT REASON BE DEEMED PAUPERS.

Be it enacted, etc., as follows:

Not to be deemed a pauper because of support of relatives by the state in certain institutions.

No person in this Commonwealth, actually supporting himself and his family, shall be deemed or designated as a pauper because of the commitment of his wife or minor child or other relative to any lunatic hospital, or other

institution of charity, reform or correction, by order of a court or magistrate, and his inability to maintain them therein; but nothing herein contained shall release him from his present liability for the support of said dependent if possessed of sufficient means.

Approved April 6, 1881.

AN ACT RELATING TO THE JURISDICTION OF MUNICIPAL, DISTRICT AND POLICE COURTS IN CASES OF ASSAULT AND BATTERY. Chap. 189

Be it enacted, etc., as follows:

SECTION 1. Municipal, district and police courts, concurrently with the superior court, shall have jurisdiction of cases of assault and battery, except when committed in the commission of, or in the attempt to commit, some other offence, or with a weapon dangerous to life, or when the life of the person assaulted is in danger, or said person is maimed, and in such cases may punish by imprisonment in the jail or house of correction, or, if the defendant is a female above the age of seventeen years, in the reformatory prison for women, for a term not exceeding one year, or by fine not exceeding one hundred dollars.

Jurisdiction in cases of assault and battery.

SECTION 2. All acts and parts of acts inconsistent herewith are hereby repealed.

Approved April 6, 1881.

AN ACT IN RELATION TO THE MASSACHUSETTS CENTRAL RAILROAD COMPANY. Chap. 190

Be it enacted, etc., as follows:

SECTION 1. The time within which the Massachusetts Central Railroad Company may locate and construct its railroad is hereby extended to the first day of May in the year eighteen hundred and eighty-three, and the provisions of chapter two hundred and sixty of the acts of the year eighteen hundred and sixty-nine, and sections two and four of chapter two hundred and fifty-three of the acts of the year eighteen hundred and seventy-nine, and chapter one hundred and sixty-nine of the acts of the year eighteen hundred and eighty as amended by chapter ninety-four of the acts of the year eighteen hundred and eighty-one, are hereby revived and continued in force. But said railroad shall not cross at grade level the tracks of the Connecticut River Railroad Company and the New Haven and Northampton Company at Northampton, except with the consent of the railroad commissioners as provided by law, and all structures for crossing under said tracks in Northampton shall be approved by the railroad commis-

Time for location and construction extended.

Crossings.

Construction
regulated.

sioners and shall be constructed at the expense of the said Massachusetts Central Railroad Company.

SECTION 2. That portion of the Massachusetts Central Railroad from Amherst to Northampton shall be completed on or before the completion of the extension from Amherst to the line of the Troy and Greenfield Railroad, and the work of construction upon the easterly extension shall at no time be further advanced than it is between said extension and the Worcester and Nashua Railroad in the town of West Boylston, and the laying of the track shall not be begun on said easterly extension until the board of railroad commissioners shall certify in writing that the entire grading, masonry and bridging have been so far completed between the easterly terminus of said easterly extension and said Worcester and Nashua Railroad in said town of West Boylston, as to allow the laying of the track continuously to that point; and shall further certify that the work of construction west of the Worcester and Nashua Railroad has been so far advanced as to admit of the completion of the entire line to Northampton within the time specified in section one of this act.

May construct
road over lands
of the Agricul-
tural College.

SECTION 3. The Massachusetts Central Railroad Company may, with the consent of the governor and council, locate and construct its railroad not exceeding five rods in width, over and upon the lands of the trustees of the Massachusetts Agricultural College in the town of Amherst, and said railroad company shall pay such damages for the land taken for such location as may be agreed upon by it and said trustees, and in the absence of such agreement said damages shall be determined as provided by law.

SECTION 4. This act shall take effect upon its passage.

Approved April 8, 1881.

Chap. 191 AN ACT RELATIVE TO THE RIGHT OF WOMEN TO VOTE FOR SCHOOL COMMITTEES.

Be it enacted, etc., as follows:

Right of women
to vote for
school commit-
tees.

SECTION 1. Every woman who is a citizen of this Commonwealth, of twenty-one years of age and upwards, and has the educational qualifications required by the twentieth article of the amendments to the constitution, excepting paupers and persons under guardianship, who shall have resided within this Commonwealth one year, and within the city or town in which she claims the right to vote six months next preceding any meeting of citizens either in wards or in general meeting for municipal purposes, and

who shall have paid by herself, or her parent, guardian or trustee, a state, county, city or town tax, which within two years next preceding such meeting has been assessed upon her or her trustees in any city or town, shall have a right to vote at such town or city meeting for members of school committees.

SECTION 2. Any woman, who is a citizen of this Commonwealth, may on or before the first day of October in any year give notice in writing to the assessors of any city or town, accompanied by satisfactory evidence, that she was on the first day of May of that year an inhabitant thereof, and that she desires to pay a poll tax and furnish under oath a true list of her estate, both real and personal, not exempt from taxation; and she shall thereupon be assessed for her poll, not exceeding fifty cents, and for her estate; and the assessors shall, on or before the fifth day of October in each year, return her name to the clerk of the city or town in the list of the persons so assessed. The taxes so assessed shall be entered in the tax list of the collector of the city or town, and the collector shall collect and pay over the same in the manner specified in his warrant.

Women, upon request, to be assessed a poll tax.

SECTION 3. All laws in relation to the registration of voters shall apply to women upon whom the right to vote is herein conferred: *provided*, that the names of such women may be placed upon a separate list, and when the name of any woman has been placed on the voting list of any city or town, it shall continue on the list of said city or town as long as she continues to reside there, and to pay any state or county, city, or town tax that has been assessed on her or her trustee in any city or town in the Commonwealth within two years previous to any voting day.

Laws relating to registration to apply.

SECTION 4. All acts and parts of acts inconsistent herewith are hereby repealed.

Repeal.

SECTION 5. This act shall take effect upon its passage.

Approved April 9, 1881.

AN ACT TO ESTABLISH THE CITY OF BROCKTON.

Chap. 192

Be it enacted, etc., as follows:

SECTION 1. The inhabitants of the town of Brockton shall continue to be a body politic and corporate under the name of the City of Brockton, and as such shall have, exercise and enjoy all the rights, immunities, powers and privileges, and shall be subject to all the duties and obligations, now incumbent upon and pertaining to the said town as a municipal corporation.

City charter granted.

Government
vested in mayor
and city council.

SECTION 2. The administration of all the fiscal, prudential and municipal affairs of the said city, with the government thereof, shall be vested in one officer, styled the mayor, one council of seven to be called the board of aldermen, and one council of twenty-one to be called the common council, which boards, in their joint capacity, shall be denominated the city council; and the members thereof shall be sworn to the faithful performance of their respective duties. A majority of each board shall constitute a quorum for the transaction of business, and no member of either board shall receive any compensation for his services.

Quorum.

Annual election.

SECTION 3. The election of city and ward officers shall take place on the Tuesday next after the first Monday of December of each year; and the municipal year shall begin on the first Monday of January following.

Commencement
of municipal
year.

Division of
town into
wards.

SECTION 4. It shall be the duty of the selectmen of said town, as soon as may be after the passage of this act and its acceptance as herein provided, to divide said town into seven wards, so that they shall contain, as nearly as may be consistent with well defined limits to each ward, an equal number of voters in each ward, which division may be revised by the city council within four years from the passage hereof. The city council may, in the year eighteen hundred and eighty-five and in every fifth year thereafter, make a new division of said wards, so that they shall contain, as nearly as may be consistent with well defined limits to each ward, an equal number of voters in each ward, according to the census to be taken in the months of May or June in said years.

New division of
wards.

Election of
ward officers.

SECTION 5. On the Tuesday next after the first Monday of December, annually, there shall be elected by ballot, in each of said wards, a warden, clerk and three inspectors of elections, who shall be different persons, residents in the ward, who shall hold their offices one year, and until others are chosen and qualified in their stead. Said wardens shall preside at all ward meetings with the power of moderators in town meetings, and if at any meeting the warden is not present the clerk shall preside until a warden *pro tempore* is elected by ballot; if both the warden and clerk are absent, the senior in age of the inspectors present shall preside until a warden *pro tempore* is elected; and if all said officers are absent any legal voter in said ward may preside until a warden *pro tempore* is elected. When any ward officer is absent, or neglects to perform his duty, his office shall be filled *pro tempore*.

The clerk shall record all the proceedings and certify the votes, and deliver to his successor in office all such records and journals, together with all other documents and papers held by him in his said capacity. The inspectors shall assist the warden in receiving, assorting and counting the votes. All said officers shall be sworn to a faithful discharge of their duties; said oath to be administered by the clerk to the warden, and by the warden to the clerk, and to the inspectors, or to either of said officers by any justice of the peace; a certificate of such oath shall be made by the clerk upon the ward records. All warrants for meetings of the citizens for municipal purposes shall be issued by the mayor and aldermen, and shall be in such form, and served and returned in such manner and at such times, as the city council shall direct. The compensation of the ward officers shall be fixed by concurrent vote of the city council.

Ward officers to be sworn.

Compensation.

SECTION 6. The mayor and aldermen are authorized, when no convenient ward room for holding ward meetings of the citizens of either of the wards of the city can be had within the territorial limits of such ward, to appoint and direct, in the warrants for calling the ward meetings of such wards, the said meetings to be held in some convenient and proximate place within the limits of any other of the wards of said city; and for such purposes the place so assigned for the meeting of such ward shall be deemed and taken to be included in and part of said ward, as though the same was within the territorial limits thereof.

Ward meetings may be held without the territorial limits of ward.

SECTION 7. The mayor shall be elected by and from the qualified voters of the city at large, voting in their respective wards, and shall hold his office for the municipal year next following his election, and until another shall be elected and qualified in his place.

Mayor elected at large.

SECTION 8. One alderman and three common councilmen shall be elected by and from the voters of each ward, and shall at the time of their election be residents of the wards respectively in which they are elected; they shall hold their offices for the municipal year next following their election, and until a majority of the new board shall be elected and qualified in their places.

One alderman and three common councilmen to be elected in each ward.

SECTION 9. On the Tuesday next after the first Monday of December, annually, the qualified voters in the several wards shall give in their votes by ballot for mayor, aldermen and common councilmen, in accordance with the provisions of this act, and all the votes so given shall be assorted, counted, declared and recorded in open ward

Annual election on the first Monday of December.

Common councilmen to be notified of election.

Vacancy in office of mayor.

Aldermen to be notified of election.

Qualification of city council.

meeting, by causing the names of persons voted for, and the number given for each, to be written in the ward record at length. The clerk of the ward, within twenty-four hours thereafter, shall deliver to the persons elected members of the common council certificates of their election, respectively, signed by the warden and clerk and a majority of the inspectors of elections, and shall deliver to the city clerk a copy of the record of such elections, certified in like manner: *provided, however*, that if the choice of members of the common council shall not be effected on that day in any ward, the meeting in such a ward may be adjourned from time to time to complete such election. The board of aldermen shall within ten days thereafter examine the copies of the records of the several wards certified as aforesaid, and shall cause the person who shall have been elected mayor to be notified in writing of his election; but if it shall appear that there is no choice, or if the person elected shall refuse to accept the office, the board shall issue warrants for a new election, and the same proceedings shall be had in all respects as are herein before provided for the election of mayor, and from time to time shall be repeated until a mayor shall be elected and shall accept said office. In case of the decease, resignation or absence of the mayor, or of his inability to perform the duties of his office, it shall be the duty of the board of aldermen and common council, respectively, by vote, to declare that a vacancy exists, and the cause thereof; and thereupon the two boards shall meet in convention and elect a mayor to fill such vacancy; and the mayor thus elected shall hold his office until the inability causing such vacancy shall be removed, or until a new election. Each alderman shall be notified in writing of his election by the mayor and aldermen for the time being. The oath prescribed by this act shall be administered to the mayor by the city clerk, or by any justice of the peace. The aldermen and common councilmen elect shall on the first Monday of January, at ten o'clock in the forenoon, meet in convention, when the oath required by this act shall be administered to the members of the two boards present, by the mayor, or by any justice of the peace, and the certificate of such oath having been taken shall be entered on the journal of the mayor and aldermen and of the common council by their respective clerks. And whenever it shall appear that a mayor has not been elected previous to the first Monday of January aforesaid, the mayor and aldermen for the time being shall make a record of that fact,

an attested copy of which the city clerk shall read at the opening of the convention to be held as aforesaid. After the oath has been administered as aforesaid, the two boards shall separate, and the common council shall be organized by the choice of a president and clerk, to hold their offices respectively during the pleasure of the common council, the clerk to be under oath faithfully to perform the duties of his said office, and his compensation shall be fixed by concurrent vote of the city council. In case of the absence of the mayor elect on the first Monday of January, or if the mayor shall not then have been elected, the city council shall organize itself in the manner herein before provided, and may proceed to business in the same manner as if the mayor was present; and the oath of office may, at any time thereafter, in convention of the two boards, be administered to the mayor and any member of the city council who may have been absent at the organization. The board of aldermen may choose a president who shall preside at all meetings of the board and in joint convention of the city council in the absence of the mayor. Each board shall keep a record of its proceedings and judge of the election of its own members; and in case of failure of election, or in case of vacancy declared by either board, the mayor and aldermen shall issue their warrant for a new election.

Organization of government.

Board of aldermen may choose a president.

SECTION 10. The mayor shall be the chief executive officer of the city. He shall enforce the laws and regulations of the city, and have a general supervision of all the subordinate officers. And he may, whenever in his opinion the public good may require, remove, with the consent of the appointing power, except as provided in section twelve, any officer over whose appointment he has, in accordance with the provisions of this charter, exercised the power of nomination. He may call special meetings of the boards of aldermen and common council, or either of them, when in his opinion the interests of the city require it, by causing notice to be left at the usual place of residence of each member of the board or boards to be convened. He shall, from time to time, communicate to both boards such information and recommend such measures as the business and interests of the city may in his opinion require. He shall preside in the board of aldermen, and in convention of the two boards. His salary for the first five years, under this charter, shall be fixed by the city council, but shall not exceed the sum of five hundred dollars per annum. Afterwards it shall be fixed

Mayor to be chief executive officer of city.

Salary.

by the concurrent vote of the city council. It shall be payable at stated periods, but shall not at any time be increased or diminished during the year for which he is chosen. He shall receive no other compensation.

Veto power of
mayor.

SECTION 11. Every ordinance, order, resolution or vote to which the concurrence of the board of aldermen and of the common council may be necessary, except on a question of a convention of the two branches or the election of an officer, and every order of either branch of the city council involving the expenditure of money, shall be presented to the mayor. If he approves thereof he shall signify his approval by signing the same; but if he does not approve thereof, he shall return the ordinance, order, resolution or vote, with his objections in writing, to the branch of the city council in which it originated. Such branch shall enter the objections of the mayor at large on its records, and proceed to reconsider said ordinance, order, resolution or vote; and if, after such reconsideration, two-thirds of that branch, present and voting, notwithstanding such objections, agree to pass such ordinance, order, resolution or vote, it shall, together with the objections of the mayor, be sent to the other branch of the city council, if it originally required concurrent action, where it shall also be reconsidered; and if approved by two-thirds of the members present and voting, it shall be in force; but in all cases the vote shall be determined by yeas and nays; and if such ordinance, order, resolution or vote is not returned by the mayor within ten days after it has been presented to him, the same shall be in force.

Powers heretofore exercised by selectmen to be vested in mayor and aldermen.

SECTION 12. The executive power of said city generally and the administration, with all the powers heretofore vested in the selectmen of Brockton, shall be vested in and may be exercised by the mayor and aldermen as fully as if the same were herein specially enumerated. The mayor and aldermen shall have full and exclusive power to appoint a constable or constables, and a city marshal and assistants, with the powers and duties of constables, and all other police officers, any of whom the mayor may remove, and fill the vacancy or vacancies so made, by appointment; but at the next meeting of the board of aldermen, he shall nominate as provided in this act. And the mayor and aldermen may require any person, who may be appointed marshal or constable of the city, to give bonds for the faithful discharge of the duties of the office, with such security and to such amount as they may deem reasonable and proper, upon which bonds the like proceed-

Appointment and removal of police officers and constables.

Marshal and constables may be required to give bonds.

ings and remedies may be had as are by law provided in case of constables' bonds, taken by the selectmen of towns. The compensation of the police and other subordinate officers shall be fixed by concurrent vote of the city council.

Compensation of police, etc., to be fixed by concurrent vote.

SECTION 13. In all cases in which appointments are directed to be made by the mayor or aldermen, the mayor shall have the exclusive power of nomination, being subject however to confirmation or rejection by the board of aldermen; but if a person so nominated shall be rejected, the mayor shall make another nomination within one month from the time of such rejection. No person shall be eligible by appointment or election to any office of emolument the salary of which is payable out of the city treasury, who, at the time of such appointment or election, shall be a member of the board of aldermen or of the common council. All sittings of the mayor and aldermen, of the common council and of the city council, shall be public when they are not engaged in executive business.

Appointments by mayor and aldermen.

Sittings to be public.

SECTION 14. The city council shall annually, as soon after their organization as may be convenient, elect by joint ballot, in convention, a city clerk, treasurer, collector of taxes, one or more superintendents of streets, city solicitor, city physician, and city auditor, who shall hold their offices respectively for the term of one year, and until their successors shall be chosen and qualified: *provided, however*, that either of the officers named in this section may be removed at any time by the city council for sufficient cause. Vacancies occurring in the above named offices may be filled by joint ballot of the city council at any time. The compensation of the officers mentioned in this section shall be fixed by concurrent vote of the city council.

Election of city clerk, treasurer, etc., by joint ballot in convention.

Compensation to be fixed by concurrent vote.

SECTION 15. The city clerk shall be sworn to the faithful discharge of the duties of his office. He shall have charge of all journals, records, papers and documents of the city, sign all warrants issued by the mayor and aldermen, and do such other acts in his said capacity as the city council may lawfully and reasonably require of him; and shall deliver all journals, records, papers and documents, and other things entrusted to him as city clerk, to his successor in office. He shall also perform all the duties and exercise all the powers by law incumbent upon or vested in clerks of towns of this Commonwealth. He shall be clerk of the board of aldermen; shall attend said board when the same is in session, and keep a journal of

City clerk to have charge of records of city.

To be clerk of board of aldermen.

its acts, votes and proceedings; also of the city council when in convention. He shall engross all the ordinances passed by the city council in a book provided for that purpose, and shall add proper indexes, which book shall be deemed a public record of such ordinances; and he shall perform such other duties as shall be prescribed by the board of aldermen. In case of the temporary absence of the city clerk, the mayor, by and with the advice and consent of the board of aldermen, may appoint a clerk *pro tempore*, who shall be duly qualified.

Clerk *pro tempore*.

Overseers of the poor.

SECTION 16. The board of overseers of the poor in the city of Brockton shall consist of three members, residents of the city, and of the mayor and city marshal who shall be *ex officio* members of the board. The mayor shall be *ex officio* chairman of the board. The city council shall elect by joint ballot, in convention, as soon after their organization as may be convenient, three persons to be members of the board of overseers of the poor, one for one year, one for two years and one for three years; and thereafter the city council shall annually, as soon after their organization as may be convenient, elect in the same manner one person to hold office for the term of three years. But no more than one of the three members so to be elected shall be eligible from any one ward of said city. Vacancies occurring in the board may be filled by joint ballot of the city council at any time, the members so elected to hold office only for the unexpired term of the member who has ceased to hold office. The city council may at any time remove members of said board from office for cause. The board shall be organized annually on the third Monday in January. The compensation of the overseers of the poor shall be fixed by concurrent vote of the city council.

Vacancies to be filled by joint ballot of city council.

Compensation.

Assessors of taxes.

SECTION 17. The city council elected in December, in the year eighteen hundred and eighty-one, shall, as soon after their organization as may be convenient, elect by joint ballot in convention three persons to be assessors of taxes, one for three years, one for two years and one for one year; and thereafter the city council shall annually, as soon after their organization as may be convenient, elect in the same manner one person who shall hold his office for the term of three years next ensuing, and until another shall be elected and qualified in his stead. The persons so elected shall constitute the board of assessors, and shall exercise the powers and be subject to the liabilities and duties of assessors in towns. Vacancies occurring in the

Vacancies to be

board may be filled by joint ballot of the city council at any time, the member so elected to hold office only for the unexpired term of the member who has ceased to hold office. All taxes shall be assessed, apportioned and collected in the manner prescribed by the general laws of the Commonwealth: *provided, however*, that the city council may establish further or additional provisions for the collection thereof. The compensation of the assessors shall be fixed by concurrent vote of the city council.

filled by joint
ballot of city
council.

Compensation.

SECTION 18. The qualified voters of each ward, at their respective annual ward meetings for the choice of officers, shall elect by ballot one person in each ward, who shall be a resident of said ward, to be an assistant assessor; and it shall be the duty of the persons so chosen to furnish the assessors with all necessary information relative to persons and property taxable in their respective wards; and they shall be sworn to the faithful performance of their duty. Their compensation shall be fixed by concurrent vote of the city council.

Assistant
assessors.

Compensation.

SECTION 19. The city council elected in December in the year one thousand eight hundred and eighty-one, shall, as soon after their organization as may be convenient, elect by joint ballot in convention three persons to act as water commissioners, one for three years, one for two years and one for one year; and thereafter the city council shall annually, as soon after their organization as may be convenient, elect in the same manner one person who shall hold his office for the term of three years next ensuing, and until another shall be elected and qualified in his stead. Vacancies occurring in the commission may be filled by joint ballot of the city council at any time. The city council may at any time remove any member of said commission from office for cause. The compensation of the water commissioners shall be fixed by concurrent vote of the city council.

Water
commissioners.

Vacancies.

Compensation

SECTION 20. The city council may establish a fire department for said city, to consist of a chief engineer, and of as many assistant engineers, engine-men, hose-men, hook-and-ladder-men and assistants, as the city council by ordinance shall from time to time prescribe; and said council shall have authority to fix the time of their appointment and the term of their service, to define their office and duties, and in general to make such regulations concerning the pay, conduct and government of such department, the management of fires, and the conduct of persons attending fires, as they may deem expedient, and may fix such pen-

Fire depart-
ment.

To be appointed
by mayor and
aldermen.

Engineers to be
firewards.

Subordinate
officers.

School
committee.

Mayor to be
chairman of
board.

Vacancies.

alties for any violation of such regulations, or any of them, as are provided for the breach of the ordinances of said city. The appointment of all the officers and members of such department shall be vested in the mayor and aldermen exclusively, who shall also have authority to remove from office any officer or member, for cause, in their discretion. The engineers so appointed shall be the firewards of the city, but the mayor and aldermen may appoint additional firewards. The compensation of the department shall be fixed by concurrent vote of the city council.

SECTION 21. The city council shall, in such manner as they shall determine, elect or appoint all other subordinate officers, for whose election or appointment other provisions are not herein made, define their duties and fix their compensation.

SECTION 22. The qualified voters of the city, voting in their respective wards, shall on the Tuesday next after the first Monday of December, in the year one thousand eight hundred and eighty-one, elect by ballot, nine persons to be members of the school committee, three to be chosen for three years, three for two years and three for one year from the first Monday in January, in the year one thousand eight hundred and eighty-two; and thereafter three persons shall be chosen, at each annual meeting, for the term of three years from the first Monday of January next ensuing; and the persons so chosen shall, with the mayor, constitute the school committee, and have the care and superintendence of the public schools. The mayor shall be *ex officio* chairman of the board, and all the rights and obligations of the town of Brockton in relation to the grant and appropriation of money to the support of the schools, and the special powers and authority heretofore conferred by law upon the inhabitants of said town, to raise money for the support of schools therein, shall be merged in the powers and obligations of the city, to be exercised in the same manner as over other subjects of taxation; and all grants and appropriations of money for the support of schools, and the erection and repair of school-houses in said city, shall be made by the city council in the same manner as grants and appropriations are made for other city purposes. Vacancies occurring in the board may be filled by the joint ballot of the city council and school committee, in convention, the members so chosen to hold office only for the remainder of the municipal year.

SECTION 23. Should there fail to be a choice of members of the school committee or assistant assessors on the day of the annual ward meeting, the meeting shall be adjourned from time to time until the election shall be completed.

In case of no choice of school committee or assistant assessors, meeting to be adjourned.

SECTION 24. All city and ward officers shall be held to discharge the duties of the offices to which they have been respectively elected, notwithstanding their removal after their election out of their respective wards into any other wards of the city; but a permanent residence out of the city shall cause a vacancy to exist in the offices to which they were elected.

Officers to discharge duties notwithstanding removal from ward.

SECTION 25. The city council shall take care that no money shall be paid from the treasury unless granted or appropriated, and shall secure a just and proper accountability by requiring bonds with sufficient penalties, and sureties from all persons entrusted with the receipt, custody or disbursement of money. They shall have the care and superintendence of the city buildings, and the custody and management of all city property, with power to let or to sell what may legally be let or sold, and to purchase property, real or personal, in the name and for the use of the city, whenever its interests or convenience may, in their judgment, require it. And they shall, as often as once a year, cause to be published for the use of the inhabitants a particular account of the receipts and expenditures, and a schedule of city property and of the city debts.

City council to see that no money is paid from the treasury unless appropriated.

To have care of public buildings and management of city property.

SECTION 26. The city council shall have the same powers in relation to the laying out, acceptance, altering or discontinuing of streets and ways, and the assessment of damages, which selectmen and inhabitants of towns now have by law, all petitions and questions relating to the same, however, being first acted on by the mayor and aldermen. Any person aggrieved by any proceedings of the mayor and aldermen, or of the city council under this provision, shall have all the rights and privileges now allowed in appeals from the decisions of selectmen or the inhabitants of towns. No street or way shall hereafter be opened in the city of Brockton over any private land by the owners thereof, and dedicated to or permitted to be used by the public, of a less width than forty feet, except with the consent of said mayor and aldermen in writing, first had and obtained for that purpose.

Powers relating to laying out streets.

New streets to be not less than forty feet wide.

SECTION 27. The city council may make ordinances with suitable penalties, for the inspection and survey,

May make ordinances regulating sale of lum-

ber, coal, etc.

May make by-laws and annex penalties thereto.

Proviso.

Meetings for elections in the several wards.

Lists of voters to be furnished to ward clerks.

Lists to be posted in public places.
Board of health.

Water supply.

measurement and sale of lumber, wood, hay, coal and bark, brought into or exposed in the city for sale, and shall have the same powers as the town had in reference to the suspension of the laws for the protection and preservation of useful birds, and of all other laws, the operation or suspension of which is subject to the action of the towns thereon. The city council may also make all such salutary and needful by-laws as towns by the laws of this Commonwealth have power to make and establish, and to annex penalties not exceeding twenty dollars, for the breach thereof, which by-laws shall take effect and be in force from and after the time therein respectively limited: *provided, however,* that all laws and regulations in force in the town of Brockton shall, until they expire by their own limitation, or are revised or repealed by the city council, remain in force; and all fines and forfeitures for the breach of any by-law or ordinance shall be paid into the city treasury.

SECTION 28. All elections of national, state, county and district officers, who are voted for by the people, shall be held at meetings of the citizens qualified to vote at such elections, in their respective wards, at the time fixed by law for these elections respectively.

SECTION 29. Fifteen days prior to every election, the mayor and aldermen shall make out lists of all the citizens of each ward qualified to vote in such elections, in the manner in which selectmen of towns are required to make out lists of voters; and for that purpose they shall have full access to the assessors' books and lists, and are empowered to call for the assistance of the assessors, assistant assessors and other city officers; and they shall deliver the lists so prepared and corrected to the clerks of the several wards, to be used at such elections; and no person shall be entitled to vote whose name is not borne on such list. A list of the voters in each ward shall be posted in one or more public places in each ward.

SECTION 30. All power and authority now vested by law in the board of health of the town of Brockton, or the selectmen thereof, shall be transferred to and vested in a board of health to be appointed by the mayor and aldermen, as provided in chapter one hundred and thirty-three of the acts of the year eighteen hundred and seventy-seven, who shall have and exercise all the powers and duties therein granted.

SECTION 31. The power and authority vested in said town of Brockton by chapter one hundred and twenty-four

of the acts of the year eighteen hundred and seventy-eight, entitled "An Act to supply the town of Brockton with pure water," and by the vote of said town accepted, in accordance with the provisions of said act, shall continue in force. The powers thereby conferred shall be exercised by the city council.

SECTION 32. General meetings of the citizens qualified to vote may from time to time be held to consult upon the public good, to instruct their representatives, and to take all lawful means to obtain redress for any grievances, according to the right secured to the people by the constitution of this Commonwealth, and such meetings may and shall be duly warned by the mayor and aldermen, upon the request in writing, setting forth the purposes thereof, of fifty qualified voters.

General meetings of citizens.

SECTION 33. All acts and parts of acts inconsistent with this act are hereby repealed: *provided, however*, that the repeal of the said acts shall not affect any act done, nor any right accruing or accrued or established, nor any suit or proceeding had or commenced in any civil case, before the time when such repeal shall take effect; and that no offence committed, and no penalty or forfeiture incurred, under any act hereby repealed, and before the time when such repeal shall take effect, shall be affected by the repeal; and that no suit or prosecution pending at the time of the said repeal for any offence committed, or for the recovery of any penalty or forfeiture incurred under said acts, shall be affected by such repeal; and *provided, also*, that all persons who, at the time of said repeal taking effect, shall hold any office under the said acts shall continue to hold the same until the organization of the city government contemplated by this charter shall be effected completely.

Repeal.

Proviso.

SECTION 34. For the purpose of organizing the system of government hereby established, and putting the same in operation in the first instance, the selectmen of the town of Brockton, for the time being, shall issue their warrants seven days at least previous to the first Monday of December of the present year, calling meetings of the citizens of each ward on that day, at such place and hour as they may deem expedient, for the purpose of choosing a warden, clerk and inspectors of each ward, and all other officers whose election is provided for in the preceding sections of this act; and the transcript of the records in each ward, specifying the votes given for the several officers aforesaid, certified by the warden and clerk of the

First meeting for the election of city officers.

Meeting for
organization of
government.

ward at said first meeting, shall be returned to said selectmen whose duty it shall be to examine and compare the same; and in case such elections should not be completed at the first meeting, then to issue new warrants until such elections shall be completed, and to give notice thereof in manner before provided to the several persons elected; and at said first meeting a list of voters in each ward, prepared and corrected by the selectmen for the time being, shall be delivered to the clerk of each ward when elected, to be used as herein before provided. After the choice of the city officers as aforesaid, or a majority of both boards, the selectmen shall appoint a place for their first meeting, and shall, by written notice left at the place of residence of each member, notify them thereof. And after this first election of city officers, and this first meeting for the organization of the city council, according to the provisions of section nine of this act, as provided for in this section, the day of holding the annual elections and the day and hour for the meeting of the city council for the purpose of organization shall remain as provided in said ninth section of this act. It shall be the duty of the city council, immediately after the first organization, to carry into effect the several provisions of this act.

Subject to acceptance within
one year, by a
majority vote.

SECTION 35. This act shall be void unless the inhabitants of the town of Brockton, at a legal meeting called for that purpose, to be held within one year from the passage of this act, shall, by a vote of a majority of the voters present and voting thereon as hereinafter provided, determine to adopt the same. At said meeting the votes shall be taken by written or printed ballots, and the polls shall be kept open not less than six hours. The selectmen shall preside in said meeting, and in receiving said ballots shall use the check lists in the same manner as they are used in the election of state officers.

SECTION 36. This act shall take effect upon its passage.

Approved April 9, 1881.

Chap. 193

AN ACT TO ENCOURAGE PHYSICAL EXERCISES IN PUBLIC SCHOOLS.

Be it enacted, etc., as follows:

Military drill,
etc., may be
taught in
public schools.

SECTION 1. Section first of chapter forty-seven of the acts of the year eighteen hundred and seventy-six is hereby amended by adding at the close of the section the following sentence: — These exercises may, at the discretion of the committee, include calisthenic, gymnastic and military drill, provided that no special instructors shall be em-

ployed to teach gymnastics, calisthenics or military drill, except by a two-thirds vote of the committee present and voting thereon. But no pupil shall be required to take part in any military exercise in case he, his parent or guardian, notify the school committee that he or such parent or guardian has conscientious scruples against such exercise or believes it would be injurious to the health of said pupil.

Pupil not obliged to take part in military exercise.

SECTION 2. The action of the school committee of any city or town, in causing calisthenics, gymnastics or military drill to be taught in the public schools thereof, is ratified, confirmed and made valid to the same extent as if this act had passed prior to such teaching.

Action of school committees ratified.

SECTION 3. This act shall take effect upon its passage.

Approved April 11, 1881.

AN ACT RELATIVE TO THE EMPLOYMENT BY RAILROAD COMPANIES OF PERSONS AFFECTED WITH DEFECTIVE SIGHT OR COLOR BLINDNESS.

Chap. 194

Be it enacted, etc., as follows :

SECTION 1. No railroad company shall employ or keep in its employment any person in a position which requires him to distinguish form or color signals, unless such person within two years next preceding has been examined for color blindness or other defective sight, by some competent person employed and paid by the railroad company, and has received a certificate that he is not disqualified for such position by color blindness or other defective sight. Every railroad company shall require such employé to be re-examined at least once within every two years, at the expense of the railroad company.

Railroad employes to be examined for color blindness.

SECTION 2. A railroad company shall be liable to a fine of one hundred dollars for each violation of the preceding section.

Penalty on railroad companies for violation.

SECTION 3. This act shall take effect on the first day of July next.

Approved April 11, 1881.

AN ACT TO AMEND "AN ACT RELATING TO THE INSPECTION OF FACTORIES AND PUBLIC BUILDINGS."

Chap. 195

Be it enacted, etc., as follows :

SECTION 1. Section eight of chapter two hundred and fourteen of the acts of the year eighteen hundred and seventy-seven is hereby amended by striking out all of said section after the word "person," in the first line, and substituting therefor the words "firm or corporation being the owner, lessee or occupant of any manufacturing es-

Penalty for violating provisions of 1877, 214.

Liability for
damages.

tablishment, and any person, firm or corporation owning or controlling the use of any building or room mentioned in the fifth section of this act, shall for any violation of the provisions of this act forfeit to the use of the Commonwealth not less than fifty nor more than five hundred dollars, to be recovered on complaint or indictment in any court of competent jurisdiction, and shall also be liable for all damages suffered by any employee by reason of such violation; but no prosecution shall be made for such violation, until after four weeks notice in writing by an inspector shall have been sent by mail to such person, firm or corporation of any changes necessary to be made to comply with the provisions of this act, nor then, if in the meantime such changes shall have been made in accordance with such notification. Nothing in this section shall be construed to prohibit any person injured from bringing an action to recover damages for said injuries."

SECTION 2. This act shall take effect upon its passage.

Approved April 11, 1881.

Chap. 196 AN ACT IN RELATION TO THE BOUNDARIES OF CITIES AND TOWNS BORDERING UPON THE SEA.

Be it enacted, etc., as follows:

Towns and
cities bordering
on the sea.

SECTION 1. The boundaries of cities and towns bordering upon the sea shall extend to the line of the Commonwealth as the same is defined in section one of chapter one of the General Statutes.

Boundaries to
be defined by
harbor and land
commissioners.

SECTION 2. The harbor and land commissioners shall locate and define the courses of the boundary lines between adjacent cities and towns bordering upon the sea and upon arms of the sea from high water mark outward to the line of the Commonwealth as defined in said section one, so that the same shall conform as nearly as may be to the course of the boundary lines between said adjacent cities and towns on the land; and they shall file a report of their doings with suitable plans and exhibits, showing the boundary lines of any town by them located and defined, in the registry of deeds in which deeds of real estate situated in such town are required to be recorded, and also in the office of the secretary of the Commonwealth.

Report to be
filed in registry
of deeds, and
secretary's
office.

Surveyors and
clerical assist-
ance.

SECTION 3. Said commissioners are hereby authorized to employ, with the approval of the governor and council, surveyors and clerical assistance so far as may be necessary to carry out the provisions of this act, at an expense not exceeding five hundred dollars.

Approved April 11, 1881.

AN ACT TO AUTHORIZE THE CONSTRUCTION OF THE CHARLES RIVER PROMENADE. *Chap. 197*

Be it enacted, etc., as follows:

SECTION 1. The city of Boston is authorized to lay out and construct continuously or in sections, from time to time, and to maintain for public use, a plank way or sidewalk of a width not exceeding fifteen feet, over the waters of Charles River outside and adjoining the sea wall now constructed between Berkeley Street extended, and a point near Hereford Street extended, and outside and adjoining any sea wall that may be constructed to the new park in extension of said sea wall already built: *provided, however,* that with the assent of the harbor and land commissioners such plank way or sidewalk may be laid out, constructed and maintained as aforesaid to a width not exceeding twenty feet.

City may construct plank way over waters of Charles River.

Proviso.

SECTION 2. The city of Boston is authorized to make all such reasonable rules and regulations in regard to such sidewalk or promenade and the access to the water therefrom and from the water thereto, as may be expedient and proper; to appoint all necessary officers and agents to enforce such rules and regulations, and to construct and maintain for the public use in connection with such sidewalk or promenade suitable landing places.

May make rules concerning use of walk.

Landing places.

SECTION 3. Any real estate in the city of Boston, which in the opinion of the board of street commissioners of said city shall receive any benefit and advantage from the laying out of such sidewalk or promenade or any sections of the same under the provisions of this act beyond the general advantages to all real estate in the city of Boston, may, after like notice to all parties interested as is provided by law to be given by said board in cases of laying out streets in said city, be assessed by said board for a proportional share of the expense of such laying out: *provided,* that the entire amount so assessed upon any estate shall not exceed one-half of the amount which said board shall adjudge to be the whole benefit received by it. All general laws in relation to the assessment of damages and betterments in the case of the laying out of a street, highway or other way in the city of Boston shall be applicable to the laying out of the way herein authorized.

Assessments for betterments.

Proviso.

SECTION 4. In the exercise of the powers granted by this act the city of Boston shall be subject to the provisions of the four hundred and thirty-second chapter of the acts of the year eighteen hundred and sixty-nine and all general laws applicable thereto.

Subject to 1869, 432, and general laws applicable.

Extension or erection contiguous to water line not to be permitted.

SECTION 5. When the plank way or sidewalk herein authorized shall have been laid out by said city and constructed as herein provided, the Commonwealth will not authorize any person or corporation to construct any extension or erection from or contiguous to the water line of said way or walk.

SECTION 6. This act shall take effect on its acceptance by the city council of the city of Boston.

Approved April 11, 1881.

Chap. 198

AN ACT TO INCORPORATE THE MASSACHUSETTS DAIRY COMPANY.

Be it enacted, etc., as follows :

Corporators.

SECTION 1. William A. Warner, Elbridge Cushman, George M. Baker, Edward P. Smith, S. R. Damon and John T. Ellsworth, their associates and successors, are hereby incorporated as "The Massachusetts Dairy Company," for the purpose of buying milk, and selling, peddling and distributing the same in Boston or elsewhere, or for the purpose of manufacturing butter and cheese, or any other product from milk, and selling the same ; with all the powers and privileges, and subject to all the duties, restrictions and liabilities set forth in all general laws which now are or hereafter may be in force relating to corporations, except as herein otherwise expressly provided.

Name and purpose.

Powers and duties.

Capital stock and shares.

SECTION 2. The capital stock of said company shall be two hundred thousand dollars, divided into shares of a par value of ten dollars each, and all of said capital shall be subscribed, and not less than twenty-five thousand dollars of the same paid in, in cash, before said company shall begin business ; but no subscriber shall in any way be holden for more than the full amount of the capital stock for which he may have subscribed.

Stockholders to have preference in purchase of shares.

SECTION 3. No share of stock of said company shall be sold by the owner without first offering it to the stockholders, through the treasurer, who shall notify the stockholders that stock in the company is for sale, and if not purchased by any stockholder at the market value within fifteen days after it shall have been offered, then the same may be sold by the owner in open market or otherwise.

Directors, *ex officio*.

SECTION 4. The chairman of the state board of health, lunacy and charity, and the chairman of the board of health of the city of Boston, shall be *ex officio* members of the board of directors of said company, and each entitled to a vote in its management.

SECTION 5. This company shall be subject to all laws and regulations, both state and municipal, relating to the sale of milk or milk products, or venders of the same.

Subject to state and municipal laws.

SECTION 6. This act shall take effect upon its passage.

Approved April 11, 1881.

AN ACT PROVIDING FOR THE TRIAL OF ACTIONS AGAINST RAILROAD CORPORATIONS, COMMON CARRIERS AND TOWNS FOR LOSS OF LIFE BY NEGLIGENCE.

Chap. 199

Be it enacted, etc., as follows :

SECTION 1. If by reason of the negligence or carelessness of a railroad corporation, or of the unfitness or gross negligence or carelessness of its servants or agents, while engaged in its business, the life of any person, being a passenger, is lost; or the life of any person, being in the exercise of due diligence, and not being a passenger or in the employment of such corporation, is lost, — in either case the corporation shall be liable in damages not exceeding five thousand dollars, nor less than five hundred dollars, to be assessed with reference to the degree of culpability of said corporation or of its servants or agents and to be recovered in an action of tort, by the executor or administrator of the deceased person for the use of the widow and children of the deceased, in equal moieties; but if there are no children, to the use of the widow, or if no widow, to the use of the next of kin: *provided*, that the corporation shall not be so liable for the loss of life by any person while walking or being upon its road contrary to law or the reasonable rules and regulations of the corporation.

Liability of railroad corporation for loss of life of passengers through negligence.

Proviso.

SECTION 2. If a person is injured in his person or property by collision with the engines or cars of a railroad corporation at a crossing such as is described in section one hundred and twenty-three of chapter three hundred and seventy-two of the acts of the year eighteen hundred and seventy-four, and it appears that the corporation neglected to give the signals required by said section, and that such neglect contributed to the injury, the corporation shall be liable for all damages caused by the collision; and in case the life of a person so injured is lost the corporation shall be liable in damages recoverable as provided in the preceding section of this act, unless it is shown that in addition to the mere want of ordinary care the person injured or the person having charge of the person or property injured was at the time of the collision guilty of gross or wilful negligence, or was acting in violation of law, and

Injuries by collisions at crossings.

such gross or wilful negligence or unlawful act contributed to the injury.

Liability of owners of steamboat or stage-coach.

SECTION 3. If the life of any person, being a passenger, is lost by reason of the negligence or carelessness of the proprietor or proprietors of any steamboat or stage-coach, or of common carriers of passengers, or by the unfitness or gross negligence or carelessness of their servants or agents, such proprietor or proprietors and common carriers shall be liable in damages not exceeding five thousand dollars nor less than five hundred dollars, to be assessed and recovered in an action of tort, in the manner and to the uses provided in section one.

Common carriers of passengers.

Loss of life through defect in highway.

SECTION 4. If the life of a person is lost by reason of a defect or want of repair of a highway, town way, causeway or bridge, or for want of suitable rails on such way or bridge, the county, town, or person by law obliged to repair the same shall be liable in damages not exceeding one thousand dollars, to be assessed and recovered in an action of tort, in the manner and to the uses provided in section one: *provided*, that the county, town, place, or person had previous reasonable notice of the defect or want of repair of such way or bridge.

Actions to be commenced within one year.

SECTION 5. No action shall be prosecuted under this act unless it be begun within one year from the injury causing the death.

Additional to remedy provided by 1874, 372, §§ 163, 164.

SECTION 6. The remedy provided by this act shall be additional to the remedy provided by sections one hundred and sixty-three and one hundred and sixty-four of chapter three hundred and seventy-two of the acts of the year eighteen hundred and seventy-four; but no executor or administrator shall avail himself of more than one of these remedies for the same cause. *Approved April 12, 1881.*

Chap. 200 AN ACT TO REVISE AND CONSOLIDATE THE CHARTER OF THE CITY OF CHELSEA.

Be it enacted, etc., as follows:

Charter revised.

SECTION 1. The inhabitants of the city of Chelsea, for all the purposes for which towns and cities are by law incorporated in this Commonwealth, shall continue to be a body politic and corporate, in fact and in name, under the style and denomination of "The City of Chelsea," and as such shall have, exercise and enjoy all the rights, immunities, powers and privileges, and shall be subject to all the duties and obligations now incumbent upon and appertaining to said city as a municipal corporation.

SECTION 2. The administration of all the fiscal, prudential and municipal affairs of the said city, with the government thereof, shall be vested in one municipal officer, to be called the mayor; one council of eight, to be called the board of aldermen; one council of twenty, to be called the common council; which bodies in their joint capacity shall be called the city council; and the members thereof shall be sworn to the faithful performance of the duties of their respective offices. A majority of each board shall constitute a quorum for doing business.

Government
vested in mayor
and city council.

SECTION 3. The city council may, in the year eighteen hundred and eighty-five, and not oftener than once in five years thereafter, revise and if needful make a new division of the city into such number of wards, not less than four, as said council shall deem the interests of the city may require; and the said wards shall be so constituted as to contain, as nearly as may be consistent with well defined limits to each ward, an equal number of qualified voters in each ward, according to a census of voters which shall be taken in the month of May in said years; and until such revision be made the boundary lines of the wards of the said city shall remain as now established: *provided*, that in case the number of said wards shall be increased, each ward shall be entitled to five common councilmen.

New division of
wards.

Proviso.

SECTION 4. The election of municipal officers shall take place on the Tuesday next after the first Monday of December, annually; and the municipal year shall begin on the first Monday of January following. All meetings of the citizens for municipal purposes shall be called by warrants issued by the mayor and aldermen, which shall be in such form, and be served, executed and returned in such manner and at such times as the city council may by ordinance direct.

Election to be
held on Tuesday
after first Mon-
day of Decem-
ber.

SECTION 5. On the Tuesday next after the first Monday in December, annually, there shall be elected by ballot, in each of said wards, a warden, clerk and three inspectors of elections, who shall be different persons, residents in the ward, who shall hold their offices one year, and until others shall be elected and qualified in their stead. Said wardens shall preside at all ward meetings, with the powers of moderators at town meetings; and if at any meeting the warden is not present, the clerk of the ward shall call the meeting to order and preside until a warden *pro tempore* is elected by ballot; if both the warden and clerk are absent, the senior in age of the inspectors present shall call the meeting to order and preside until a warden and

Election of
ward officers

Officers to be sworn.

clerk *pro tempore* are so elected ; and if all said officers are absent, any legal voter in said ward may preside until a warden *pro tempore* is so elected. When any ward officer is absent or neglects to perform his duty his office shall be filled *pro tempore* in like manner. The clerk shall record all the proceedings and certify the votes, and deliver to his successor in office all the records, journals, documents and papers held by him in his said capacity. The clerk and inspectors shall assist the warden in receiving, assorting and counting the votes. All of said officers shall be sworn to a faithful discharge of their duties, said oath to be administered by the clerk to the warden, and by the warden to the clerk and to the inspectors, or to either of said officers by any justice of the peace. Certificates of such oaths shall be made by the clerk upon the ward records. The compensation of the ward officers shall be fixed by concurrent vote of the city council.

Mayor elected by voters at large.

SECTION 6. The mayor shall be elected by the qualified voters of the city at large, voting in their respective wards. He shall be an inhabitant and qualified voter of the city, and shall hold his office for the municipal year next following his election, and until another shall have been elected and qualified in his place.

Eight aldermen elected at large.

SECTION 7. Eight aldermen shall be elected by the qualified voters of the city at large, voting in their respective wards, who shall also be inhabitants and qualified voters of the city, and shall hold their offices for the municipal year next following their election, and until a majority of the new board shall be elected and qualified in their places.

Five common councilmen elected in each ward.

SECTION 8. Five common councilmen shall be elected by and from the voters of each ward, and shall, at the time of their election, be residents of the wards respectively in which they are elected ; they shall hold their offices for the municipal year next following their election, and until a majority of the new board shall be elected and qualified in their places.

School committee, three from each ward.

SECTION 9. The school committee shall consist of thirteen persons, three persons elected from each ward, and the mayor who shall be *ex officio* a member of said board. The persons heretofore elected as members of the school committee may continue in office according to the tenure thereof. At each annual election for municipal officers hereafter, the qualified voters of each ward shall elect one person, being an inhabitant of said ward, to serve as a member of the school committee for the term of three municipal years from the

first Monday of January next following such election. The school committee shall be the final judges of the qualifications and election of their own members. If the number of wards shall at any time be increased, the city council may by ordinance increase the school committee so that each additional ward shall be entitled to three members thereof. The school committee shall have all the powers vested in school committees by the laws of the Commonwealth. A majority of the members of said board shall constitute a quorum for the transaction of business. Vacancies occurring in the board may be filled for the remainder of the municipal year by the joint ballot of the city council and school committee, and for the unexpired term thereafter shall be filled at the first municipal election after such vacancies occur.

Vacancies.

SECTION 10. On the Tuesday next after the first Monday in December, annually, the qualified voters in each ward shall give in their votes for mayor, aldermen, common councilmen, school committee, and ward officers as herein before provided; and all the votes so given shall be assorted, counted, declared and registered in open ward meeting, by causing the names of persons voted for, and the number of votes given for each, to be written in the ward records in words at length. The clerk of the ward within forty-eight hours after election shall deliver to the persons elected common councilmen and school committee certificates of their election, signed by the warden and clerk and a majority of the inspectors of elections, and shall deliver to the city clerk a copy of the records of such elections, certified in like manner: *provided*, that in all cases the persons having the greatest number of votes for their respective offices shall be deemed and declared to be elected; and if the choice of common councilmen and school committee shall not be effected on that day, by reason of two or more persons having received an equal number of votes for the same office, the meeting may be adjourned from time to time to complete such election. The board of aldermen shall, as soon as conveniently may be, and in the manner provided by law, examine the copies of the records of the several wards, certified as aforesaid, and shall also, in the manner provided by law, cause the person that shall have received the greatest number of votes for mayor, and the persons that shall have received the greatest number of votes for aldermen, to be notified in writing of their election; but if it shall appear that no person has been elected mayor by reason of two or more having re-

Election of municipal officers.

To be notified of election.

Proceedings in case of no choice for mayor.

ceived an equal number of votes, or if the person so elected mayor shall refuse to accept the office, the board shall issue their warrants for a new election, and the same proceedings shall be had as are herein before provided for the choice of a mayor, and repeated from time to time until a mayor shall be chosen ; and so in the choice of aldermen, if it shall appear that a full board has not been elected by reason of two or more persons having received an equal number of votes, or if any person or persons so elected aldermen shall refuse to accept the office, the mayor and aldermen shall in like manner issue their warrants for a new election to fill vacancies thus occurring, and like proceedings shall be had until a full board shall be elected.

In case of de-
cease or resigna-
tion of mayor.

In case of the decease or resignation of the mayor or of his inability to perform the duties of his office, the boards of aldermen and common council shall respectively by vote declare that a vacancy exists, and the cause thereof ; whereupon the two boards shall meet in convention and elect a mayor to fill such vacancy ; and the mayor thus elected shall hold his office until the inability causing the vacancy shall be removed, or until a new election, which may be ordered by the board of aldermen. The oath prescribed by this act shall be administered to the mayor by the city clerk, or any justice of the peace. The aldermen and councilmen elect, shall, on the first Monday in January, at ten o'clock in the forenoon, meet in convention, when the oath required by this act shall be administered to the members of the two boards present by the mayor, or in case of his absence by the city clerk ; and a certificate of such oath having been taken shall be entered on a journal of the mayor and aldermen and of the common council by their respective clerks. After the oath has been administered

Organization of
common coun-
cil.

as aforesaid the two boards shall separate, and the common council shall be organized by the choice of one of their own members as president, and also of a clerk not one of their own members, who shall be sworn to the faithful performance of their duties. In case of the absence of the mayor elect, on the first Monday in January, the city government shall organize itself in the manner herein before provided, and may proceed to business in the same manner as if the mayor was present ; and the oath of office may be administered to the mayor at any time thereafter in a convention of the two branches. The board of aldermen shall elect one of their members to preside at all meetings of the board when the mayor does not preside, who shall be called the chairman of the board of aldermen,

President of the
board of alder-
men to preside
in the absence
of mayor.

who shall hold office during the municipal year for which he is elected. In the absence of both the mayor and chairman of the board of aldermen, the aldermen shall elect one of their members as chairman for the time being. In the absence of the mayor the chairman of the board of aldermen shall preside at all conventions of the city council. Each board shall keep a record of its own proceedings, and judge of the election of its own members; and in case of the failure of an election, or in case of any vacancy, declared by either board, the mayor and aldermen shall order a new election.

SECTION 11. The mayor thus chosen and qualified shall be the chief executive officer of the said city; it shall be his duty to be vigilant in causing the laws and regulations of the city to be enforced, and to exercise a general supervision over the conduct of all subordinate officers, and to cause their neglect of duty to be punished; he may call special meetings of the boards of aldermen and common council, or either of them, when necessary in his opinion, by causing written notices to be left at the places of residence of the several members; he shall communicate from time to time to both of them such information, and recommend such measures, as in his opinion the interests of the city may require; he shall when present preside in the board of aldermen, and in convention of the two boards.

Mayor to be
chief executive
officer of the
city.

SECTION 12. The executive power of the said city generally and the administration of the police, with all the powers formerly vested in the selectmen of Chelsea, and heretofore vested in the mayor and aldermen of the city of Chelsea, shall continue to be vested in, and exercised by, the mayor and aldermen of said city as fully as if the same were herein specially enumerated. The mayor shall receive such compensation for his services as the city council may from time to time by ordinance determine; but the amount of such compensation shall not be increased or diminished during the term for which he shall have been elected, and he shall receive no other compensation or emolument whatever. The members of the board of aldermen and common council shall receive no compensation. The mayor and aldermen shall have full and exclusive power to appoint constables, and a chief of police with all the powers and duties of a constable; and shall have full and exclusive power and authority to appoint all other police and all subordinate officers connected with the police department, whose election is not herein provided for, with all or any of the powers of constables except the power of

Compensation
of mayor.

Aldermen and
common coun-
cilmen to receive
no compensa-
tion.
Constables and
police officers,
to be appointed
by mayor and
aldermen.

May be required
to give bonds.

Election of city
clerk, treasurer,
etc., by concur-
rent vote.

Sittings to be
public, except
when engaged
in executive
business.

Account of
receipts and
expenditures to
be published
annually.

serving and executing civil process; and the same to remove at pleasure, and all such officers shall continue in office until their successors are appointed or they are removed. And the mayor and aldermen shall require any person who may be appointed chief of police or constable of the city, to give bonds for the faithful discharge of the duties of the office, with such security and to such amount as they may deem reasonable and proper, and as provided by the laws of the Commonwealth; upon which bonds the like proceedings and remedies may be had as are by law provided in the case of constables' bonds taken by the selectmen of towns. All other powers now vested in the inhabitants of the said city, and all powers granted by this act, shall be vested in the mayor and aldermen and common council of the said city, to be exercised by concurrent vote, each board to have a negative upon the other; but the city council shall annually as soon after their organization as may be convenient, elect by concurrent vote of both branches of said council, a city treasurer, collector of taxes, assessors, and city clerk, who shall hold their offices until others are elected and qualified in their stead, and shall, in such manner as the city council may determine, by ordinance made for the purpose, appoint or elect all subordinate officers not herein otherwise directed, for the then ensuing year, define their duties, and fix their compensations, in cases where such duties and compensations shall not be defined and fixed by the laws of the Commonwealth. In case any vacancy shall occur in any office, the election to which is made by the city council, said council shall have power to fill the same. All sittings of the mayor and aldermen, of the city council, and of the common council, shall be public when they are not engaged in executive business. The city council shall take care that money shall not be paid from the treasury unless granted or appropriated; shall secure a just and prompt accountability, by requiring bonds, with sufficient penalty and sureties, from all persons intrusted with the receipt, custody, or disbursement of money: shall have the care and superintendence of city buildings, and the custody and management of all city property, with power to let or sell what may be legally let or sold; and to purchase property real or personal, in the name and for the use of the city, whenever its interest or convenience may in their judgment require it. The city council shall as often as once a year cause to be published for the use of the inhabitants a particular account of receipts and expenditures, and a schedule of all the property and debts of the city, together

with such other information as said city council may deem advisable.

SECTION 13. In all cases in which appointments are directed to be made by the mayor and aldermen, the mayor shall have the exclusive power of nomination, being subject however to confirmation or rejection by the board of aldermen; but if a person so nominated shall be rejected, it shall be the duty of the mayor to make another nomination within one month from the time of such rejection. No person shall be eligible to any office of emolument, the salary of which is payable out of the city treasury, who, at the time of an election or appointment, shall be a member of the city council.

Nominations made by the mayor subject to confirmation by aldermen.

SECTION 14. The city clerk before entering upon the duties of his office shall be sworn to the faithful performance of his duties. He shall be clerk of the board of aldermen, shall attend said board when the same is in session, and shall keep a journal of the acts and proceedings of said board, sign all warrants issued by them, and do such other acts in his capacity as may lawfully and reasonably be required of him; and shall deliver all journals, records, papers and documents, and other things intrusted to him as city clerk, to his successor in office, immediately upon such successor being chosen and qualified as aforesaid, or whenever he may be thereto required by the board of aldermen. He shall also be clerk of the city council when in convention. He shall perform all the duties and exercise all the powers by law incumbent upon or vested in clerks of towns in this Commonwealth, or by law belonging to the city clerk of the city of Chelsea, as fully as if the same were particularly enumerated; and he may be removed at the pleasure of the city council. In case of the temporary absence or sickness of the city clerk, or in case of his death, the mayor and aldermen may appoint a city clerk *pro tempore*, with all the powers, duties and obligations of the city clerk, until the city clerk shall resume his duties, or his successor is elected, and said officer shall be sworn in the manner provided in the case of the city clerk.

City clerk to be sworn.

Duties.

To be clerk of city council when in convention.

City clerk, *pro tempore*.

SECTION 15. The assessors, to be chosen as herein before provided, shall constitute the board of assessors, and shall exercise the same powers, and be subject to the same duties and liabilities, that the assessors in the several towns in the Commonwealth may exercise, or are subject to under existing laws, and shall be sworn to the faithful performance of their duty. All taxes shall be assessed,

Assessors of taxes.

apportioned, and collected, in the manner prescribed by the laws of this Commonwealth: *provided, however*, that the city council may establish further or additional provisions for the collection thereof.

Fire department
to be estab-
lished.

SECTION 16. The city council shall establish a fire department for the city of Chelsea, and shall by ordinance provide for the appointment or election of the force thereof, to consist of a chief engineer, a superintendent of fire alarm telegraph, and so many assistant engineers, and so many enginemen, hosemen, hook and ladder men, and such other officers and members however otherwise termed, as the city council shall from time to time prescribe, and the same to remove at pleasure, and all said officers and members shall continue in office until their successors are appointed, or they are removed; and the city council shall have authority to make such provisions in regard to the time of appointment of all such officers and members, to make such requisitions in respect to their qualifications and period of service, to define their office and duties, to fix and pay such compensation for their services, and in general to make such regulations in regard to their conduct of fires, and persons attending fires, subject to the penalties provided for the breach of the city ordinances, as they shall deem expedient. The engineers of the fire department shall have the powers and authority in regard to the prevention and extinguishment of fires, and the performance of other offices and duties incumbent upon firewards and engineers of fire departments by the statutes of the Commonwealth; and shall also have full power and authority to make an examination of places where any kind of combustible or inflammable materials are collected or deposited, whether the same be in any building, or upon any land or premises, within the limits of the city, and in case of the production or accumulation by any person or party whatsoever, of such combustible and inflammable materials, to take the necessary measures, when in their judgment safety from fire requires, to collect, remove, confine, destroy, or otherwise dispose of, any such materials, wherever the same shall have been stored or allowed to accumulate: *provided*, that reasonable notice in writing, not less than twenty-four hours, shall have been given by the chief or any one of his assistants to the owner of the building or premises, or the person or party in possession thereof, where such material may be found, or who may be responsible for its production or accumulation, to remove the same forthwith; and all costs, charges and ex-

Power and
authority of
engineers.

Proviso.

penses resulting therefrom may be recovered of any person or party responsible for the production or accumulation of such materials, by an action of contract brought in the name of the city of Chelsea against such person or party in any court of competent jurisdiction.

SECTION 17. The persons heretofore elected by the city council as members of the board of overseers of the poor, may continue in office according to the terms thereof; and in the month of December annually hereafter the city council shall by concurrent vote elect one person a resident of said city to serve as a member of said board for three years. The term of office of all persons so elected as members of the board of overseers of the poor shall begin on the first Monday of January after their election. The city council may at any time for cause remove any member of said board, and shall fill any vacancy therein by election in the manner herein before provided, as soon as may be after the occurrence of such vacancy; and the person elected to fill a vacancy shall serve during the remainder of the term for which his predecessor was elected. On the first Monday of January in each year said board shall meet and organize by the choice of a chairman from their own number, and a clerk not of their own number, and such other subordinate officers not of their own number as they shall deem expedient, and shall define the duties, and fix the salaries to be paid out of the city treasury, of the clerk and other subordinate officers; but no member of said board shall receive any compensation.

Overseers of the poor.

SECTION 18. The city council shall have exclusive authority and power to lay out, alter or discontinue any street or town way, to establish the grade thereof, and to estimate the damages any individual or party may sustain thereby; but all questions relating to the subject of laying out, accepting, altering or discontinuing any street or way shall be first acted upon by the mayor and aldermen, and any person or party dissatisfied with the decision of the city council in the estimate of damages may make complaint to the superior court for the county of Suffolk in term time or vacation, within one year after such decision, whereupon the same proceedings shall be had as are now by law provided in cases where persons or parties are aggrieved by the assessment of damages by the selectmen of towns, in the forty-third chapter of the General Statutes and acts in amendment thereof.

Laying out, altering, etc., of streets.

SECTION 19. The mayor and aldermen shall in each year issue their warrant for calling meetings for the elec-

Warrants for election of representatives.

tion of the whole number of representatives to the general court to which the said city is by law entitled, and the number shall be specified in the warrant.

Election of
county, state
and national
officers.

SECTION 20. All elections for county, state and United States officers, who are voted for by the people, shall be held at meetings of the citizens qualified to vote in such elections, in their respective wards, at the time fixed by law for these elections respectively; and at such meetings all the votes given for such officers respectively shall be assorted, counted, declared and registered, in open ward meeting, by causing the names of all persons voted for, and the number of votes given for each, to be written in the ward records in words at length. The ward clerk shall forthwith deliver to the city clerk a certified copy of the record of such elections; and all ballots and check lists shall be sealed and transmitted to the city clerk in the manner provided by the laws of the Commonwealth. The city clerk shall forthwith record such returns; and the mayor and aldermen shall within the time provided by law, after every such election, examine and compare all such returns, and make out a certificate of the result of such elections, to be signed by the mayor and a majority of the aldermen and also by the city clerk, which shall be transmitted, delivered and returned as by law required.

City clerk to
record the
returns.

Lists of voters
to be furnished
to clerks of the
wards.

SECTION 21. Prior to every election, the mayor and aldermen shall make out lists of all the citizens of each ward qualified to vote in such elections, in the manner provided by the laws of the Commonwealth, and for that purpose they shall have full access to the assessors' books and lists, and be entitled to the assistance of all assessors and city officers; and they shall deliver the said lists so prepared and corrected to the clerks of the said wards, to be used at such elections, and shall cause copies thereof to be posted in one or more public places in each ward, the length of time required by law prior to such elections; and no person shall be entitled to vote whose name is not borne on such list: *provided*, that any person whose name shall not be borne on the list of the ward in which he is entitled to vote, when it shall be placed in the hands of the clerk of said ward, shall have the right to have his name entered thereon at such time thereafter as is provided in like cases by the laws of the Commonwealth.

Copies to be
posted in public
places.

Prosecutions for
breach of ordi-
nances or by-
laws.

SECTION 22. All fines, forfeitures and penalties, accruing for breach of any of the ordinances or by-laws of the city of Chelsea, or of any of the orders of the mayor and aldermen, may be prosecuted for and recovered before the

police court of the said city of Chelsea, by complaints or information, in the same manner in which other criminal offences are now prosecuted, before police and district courts within this Commonwealth; reserving however in all cases to the party complained of and prosecuted the right of appeal to the superior court then next to be held in the county of Suffolk. All fines, forfeitures and penalties, so recovered and paid, shall be paid to the treasurer of the city of Chelsea, and shall inure to such uses as said city council shall direct. When any person upon any conviction before the police court for any breach of any of the ordinances or by-laws of the city of Chelsea, or of any of the orders of the mayor and aldermen, shall be sentenced to pay a fine or any penalty or forfeiture provided by any such ordinance, by-law or order, and shall fail to pay the same, or upon claiming an appeal shall fail to recognize for his appearance at the court appealed to, there to prosecute his appeal, and to abide the sentence or order of the court thereon, and in the mean time to keep the peace and be of good behavior, he shall be committed until he shall pay such fine, penalty or forfeiture and costs, or be otherwise discharged according to law.

Fines and forfeitures to be paid into treasury.

SECTION 23. This act shall be void unless accepted by the city council of Chelsea within three months from its passage.

Act void unless accepted within three months.

Approved April 13, 1881.

AN ACT TO PROVIDE FOR REFUNDING A PORTION OF THE DEBT OF THE COMMONWEALTH.

Chap. 201

Be it enacted, etc., as follows:

SECTION 1. For the purpose of obtaining means for the payment of the loan of four hundred thousand dollars issued under the provisions of chapter three hundred and twenty of the acts of the year one thousand eight hundred and seventy-two, the treasurer and receiver-general may issue scrip or certificates of debt in the name and on behalf of the state, and under his signature and the seal of the Commonwealth, to an amount not exceeding four hundred thousand dollars, for a term of not less than ten nor more than twenty years, and if issued for a longer term than ten years, redeemable at the option of the Commonwealth at any time after the expiration of ten years. Said scrip or certificates of debt shall be issued as registered bonds or with interest coupons attached, and shall bear interest not exceeding four per centum payable semi-annually on the first day of March and of September of each year. Such scrip or certificates of debt shall be countersigned by the

Loan authorized by 1872, 820, to be paid.

New scrip to be issued.

governor, and shall be deemed a pledge of the faith and credit of the Commonwealth, redeemable at the time specified. The scrip and interest thereon shall be payable in such currency as the governor and council may direct, and shall be sold and disposed of in such manner, at such times and in such pieces and amounts as the governor and council shall deem for the best interest of the state.

Scrip issued under 1872, 320, § 5, to be called in.

SECTION 2. Upon the issue of the scrip or certificates of debt authorized under the first section of this act, the treasurer shall call in the principal of the scrip or certificates issued under the provisions of section five of chapter three hundred and twenty of the acts of the year one thousand eight hundred and seventy-two, and apply the proceeds of the scrip so issued to the payment thereof.

SECTION 3. This act shall take effect upon its passage.
Approved April 14, 1881.

Chap. 202 AN ACT RELATIVE TO REPORTS OF TRUSTEES AND RECEIVERS OF SAVINGS BANKS AND INSTITUTIONS FOR SAVINGS.

Be it enacted, etc., as follows:

Reports by trustees, etc., of savings banks. G. S. 57, § 156.

So much of section one hundred and fifty-six of chapter fifty-seven of the General Statutes as refers to reports required to be made annually to the legislature by the trustees and receivers of saving banks and institutions for savings is hereby repealed. *Approved April 15, 1881.*

Chap. 203 AN ACT TO FIX THE TIMES AND PLACES OF HOLDING SESSIONS OF THE PROBATE COURT IN THE COUNTY OF PLYMOUTH.

Be it enacted, etc., as follows:

Probate courts in Plymouth county.

SECTION 1. Probate courts shall be holden for the county of Plymouth in each year as follows: — At Plymouth on the second Monday of each month, except February, July and August: at Abington on the fourth Mondays of February, March, September and December: at Brockton on the second Mondays of February and July, and on the fourth Mondays of May and November: at Middleborough on the fourth Mondays of January, April, August and October: at Hingham on the fourth Monday of June.

Repeal.

SECTION 2. All acts and parts of acts inconsistent with the provisions of this act are hereby repealed.

SECTION 3. This act shall take effect on the first day of May next. *Approved April 15, 1881.*

AN ACT TO INCORPORATE THE AMESBURY AND SALISBURY AGRICULTURAL AND HORTICULTURAL SOCIETY. *Chap. 204*

Be it enacted, etc., as follows :

SECTION 1. William H. B. Currier, J. Henry Hill, Aaron Sawyer, A. H. Fielding and Elmer P. Sargent of the towns of Amesbury, Salisbury and Merrimac, their associates and successors, are hereby made a corporation under the name of the Amesbury and Salisbury Agricultural and Horticultural Society, and established in the towns of Amesbury and Salisbury in the county of Essex, for the encouragement of agriculture, horticulture, and the mechanical arts, by premiums and other means; with all the powers and privileges and benefits now accruing to county societies, and subject to all the duties, liabilities and restrictions set forth in all general laws which now are or hereafter may be in force in relation to such corporations. Said corporation may hold real and personal property to the amount of fifteen hundred dollars.

Corporators.

Name and purpose.

Powers and duties.

SECTION 2. This act shall take effect upon its passage.

Approved April 15, 1881.

AN ACT TO AUTHORIZE THE CITY OF BOSTON TO ATTACH METERS TO BUILDINGS WHICH IT SUPPLIES WITH WATER. *Chap. 205*

Be it enacted, etc., as follows :

SECTION 1. The city of Boston is hereby authorized, at its own expense, to attach and maintain a sufficient water meter to the main service pipe in any building or buildings which may be supplied with water by said city under authority of law; and where any building situate within the city of Boston shall be supplied with water by said city through a meter, and there shall be more than one tenement contained in said building, or where different rooms in the same building are leased to or occupied by different persons taking water through separate fixtures, the owners or lessees of said building shall be liable to said city for the entire amount of water so supplied to said building: *provided*, that, in the case of dwelling houses containing more than one tenement, and not more than three tenements, it shall be necessary to obtain the consent of the owner thereof before attaching such meter.

May attach water meters to service pipes.

Payment of water rates.

SECTION 2. This act shall take effect upon its passage.

Approved April 15, 1881.

Chap. 206 AN ACT TO SUPPLY THE TOWN OF FRAMINGHAM WITH PURE WATER.
Be it enacted, etc., as follows:

Water supply
for town of
Framingham.

SECTION 1. The town of Framingham is hereby authorized to supply itself and its inhabitants with pure water to extinguish fires, generate steam, and for domestic and other uses; to establish fountains and hydrants: to regulate their use, and re-locate or discontinue the same, and to fix and collect rents for the use of said water.

May take waters
of Farm Pond
and Sudbury
River.

SECTION 2. Said town may take and hold of the waters of Farm Pond and Sudbury River in said Framingham, and the waters flowing into said Farm Pond and Sudbury River, so much as may be necessary for the purpose specified in section one of this act, and may convey into and through said town of Framingham said waters; and may also take and hold, by purchase or otherwise, all necessary lands for raising, diverting, flowing and holding said waters, and securing and preserving the purity of the same, and such other lands in said town of Framingham as may be necessary to construct and maintain one or more storing and distributing reservoirs; and may erect on said land proper dams, buildings, fixtures and other structures, and make thereon excavations and embankments, and procure and run machinery therefor, with such other means and appliances as may be necessary for complete and effective water works; and for such purposes may construct and lay down conduits, pipes and drains in, under or over any lands, water courses, roads or railroads, and along any street, highway, alley or other way, in such manner as not to unnecessarily obstruct the same; and for the purpose of constructing, laying down, maintaining and repairing such conduits, pipes and drains, and for all other purposes of this act, may dig up, raise and embank any such lands, street, highway, alley or other way, in such manner as to cause the least hindrance to travel thereon; and in general may do any other acts and things necessary, convenient or proper for carrying out the purposes of this act.

May construct
reservoirs, erect
dams, etc.

May dig up
lands.

Description of
land taken to be
filed in registry
of deeds.

SECTION 3. The town of Framingham shall, within ninety days from the time it shall take any lands for the purposes of this act, file in the registry of deeds of the county and district in which said lands lie, a description of the land so taken as certain as is required in a common conveyance of lands, and a statement of the purposes for which they are taken; which description and statement shall be signed by a majority of the selectmen of said town.

Liability for
damages.

SECTION 4. The said town of Framingham shall be liable to pay all damages sustained by any person, persons

or corporation in their property, by the taking of any lands, water, water sources, water rights or easements, or by the construction of any dams, aqueducts, reservoirs, water ways or other works, for the purposes of this act. If any person, persons or corporations sustaining damages as aforesaid cannot agree with the town upon the amount of damages to be paid therefor, such person, persons or corporation may have said damages assessed by the county commissioners for the county of Middlesex, by making an application in writing therefor to said commissioners within three years from the taking of such lands, water, water sources, water rights or easements, or the construction of dams, reservoirs or other works, occasioning injury or damage as aforesaid, but not thereafter; and if either party be aggrieved by the doings of said county commissioners in the estimation of said damages, he or they may have said damages determined by a jury; and said commissioners and jury shall have the same powers, and the proceedings in all respects shall be conducted in the same manner, as is provided by law with respect to damages for land taken for highways.

SECTION 5. Three persons, to be elected by ballot by the said inhabitants, as hereafter provided, shall form a board of water commissioners, who shall execute, superintend and direct the performance of all the works, matters and things mentioned in this act, and exercise all the rights, powers and privileges hereby granted, and not otherwise specifically provided for herein, subject to the vote of said town. At any special or annual meeting of the inhabitants of said town, called for the purpose, one of the said board of water commissioners shall be elected for three years, one for two years and one for one year, from the next succeeding annual town meeting; after which first election, one third of said board, as the term expires, shall be elected at the annual town meeting for the term of three years. The said commissioners shall receive such salaries or compensation as the town by vote may prescribe, and a majority of said commissioners shall be a quorum for the exercise of the powers and duties prescribed by this act. Such commissioners shall be subject to such ordinances, rules and regulations, in the execution of their trust, as the town may from time to time ordain and establish, not inconsistent with provisions of this act, and the laws of the Commonwealth. Any vacancy occurring in said board of commissioners from any cause may be filled by said town at any legal town meeting for the unexpired term.

Water commissioners to be elected.

Compensation to be fixed by the town.

Vacancies in board.

Framingham
water loan not
to exceed
\$250,000.

Sinking fund.

Penalty for
diverting water
or rendering it
impure.

Liability of
tenant and
owner.

SECTION 6. For the purpose of paying all necessary expenses and liabilities incurred under the provisions of this act, said town shall have authority to issue notes, bonds or scrip from time to time signed by the treasurer, and countersigned by the chairman of the selectmen, to be denominated on the face thereof "Framingham Water Loan," to an amount not exceeding two hundred and fifty thousand dollars, payable at periods not exceeding thirty years from the date thereof, with interest payable semi-annually at a rate not exceeding six per centum per annum; and said town may sell said securities at public or private sale, or pledge the same for money borrowed for the purposes of this act, upon such terms and conditions as it may deem proper. And said town shall annually raise by taxation an amount sufficient, together with the net income and receipts from rent for the use of said water, to pay the interest on said loans as it accrues; and shall also, within two years after the introduction of water into said town of Framingham, establish a sinking fund, and contribute thereto from year to year an amount raised annually by taxation, which, together with the net surplus income and receipts, after deducting all interest, expenses and charges of distribution, if any remains, shall be sufficient with the accumulations of such amounts to extinguish said loan at maturity; and said sinking fund shall be applied to the payment of the principal of said loan until the same is fully discharged and paid, and for no other purpose. The board of water commissioners herein before named shall be the trustees of said fund, and shall report the condition of the same, and render an account of all their doings in relation thereto annually to the town.

SECTION 7. Whoever wilfully corrupts, pollutes or diverts any of the waters taken under this act, or injures any dam, reservoir, aqueduct, conduit, pipe or other property owned or used by said town for the purposes of this act, shall forfeit and pay to said town three times the amount of damages assessed therefor, to be recovered in an action of tort; and upon conviction of either of the above acts shall be punished by a fine of not less than thirty nor more than three hundred dollars, or by imprisonment in jail not exceeding one year, or by an infliction of both the above penalties.

SECTION 8. The occupant of any tenement shall be liable for the payment of the rent for the use of water in such tenement, and the owner shall also be liable if, on being notified of such use, he does not object thereto.

SECTION 9. This act shall take effect upon its passage ; but no expenditure shall be made, or liability incurred, under the same, except for preliminary surveys and estimates, unless this act shall first be accepted by a vote of two thirds of the legal voters of said town present and voting thereon, at a legal meeting called for that purpose within three years from the passage of this act, and not more than three of said meetings shall be called each year, during said years.

Approved April 20, 1881.

No liability to be incurred until acceptance of act by a two-thirds vote.

AN ACT RELATING TO THE SERVICE OF NOTICES IN LEVIES OF EXECUTIONS UPON REAL ESTATE.

Chap. 207

Be it enacted, etc., as follows :

SECTION 1. Any notice required to be given to the debtor, in the service of an execution by levy upon real estate, may be served upon him personally, or may be left at his last and usual place of abode. When the debtor does not reside in the precinct of the officer serving the execution and is not found therein by the officer serving the execution, such officer shall in addition to the service required by law send a copy of any notice which would be served upon him, if within said precinct, by mail post paid, addressed to him at his place of residence as described in the execution.

Service of notice to debtor, in levy of execution upon real estate.

SECTION 2. This act shall take effect upon its passage.

Approved April 20, 1881.

AN ACT TO PROVIDE FOR A SINGLE BALLOT AT NATIONAL AND STATE ELECTIONS.

Chap. 208

Be it enacted, etc., as follows :

SECTION 1. Section two of chapter seven of the General Statutes of this Commonwealth is hereby amended by striking out in the fourth and fifth lines thereof the words, "the mayor and aldermen and selectmen shall decide whether," and in the fifth and sixth lines thereof the words, "or at the same time on separate ballots ;" also in said sixth line by striking out the words, "shall give," and by inserting after the word "thereof," the words, "shall be given."

Officers to be voted for, upon a single ballot.

SECTION 2. This act shall take effect upon its passage.

Approved April 20, 1881.

Chap. 209 AN ACT MAKING APPROPRIATIONS FOR EXPENSES AUTHORIZED THE PRESENT YEAR, AND FOR OTHER PURPOSES.

Be it enacted, etc., as follows :

Appropriations. SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the Commonwealth, from the ordinary revenue, unless otherwise ordered, for the purposes specified in certain acts and resolves of the present year, and for other purposes, to wit : —

John McGrath. In the resolve chapter three, in favor of John McGrath, the sum of one hundred dollars. In the resolve chapter four, in favor of Ebenezer Gay, the sum of one hundred and fifty dollars and sixty-seven cents. In the resolve chapter six, relating to certain repairs at the state prison at Concord, the sum of two thousand dollars. In the act entitled "An Act to amend chapter seventy-nine of the acts of the year eighteen hundred and seventy-nine relating to the compensation of employes in the secretary's department," the sum of two thousand dollars. In the resolve chapter eight, in favor of the Nantucket Agricultural Society, the sum of six hundred dollars. In the resolve chapter ten, in favor of the Middlesex Agricultural Society, the sum of six hundred dollars. In the resolve chapter thirteen, in favor of John William Robert Sawin, the sum of three hundred dollars. In the resolve chapter fourteen, in favor of the widow of Alexander Hyde, the sum of five hundred and thirty-two dollars and twenty cents. In the resolve chapter seventeen, in favor of Jane Parks, the sum of four hundred dollars. In the resolve chapter eighteen, in favor of the state library, the sum of one thousand dollars. For printing and binding public documents, a sum not exceeding five thousand dollars, the same to be in addition to the amount heretofore appropriated. In the resolve chapter twenty-four, providing for the construction of a tenement house at the state prison at Concord, the sum of four thousand five hundred dollars. In the resolve chapter twenty-eight, in favor of the disabled soldiers' employment bureau, the sum of three thousand dollars. In the resolve chapter twenty-nine, in favor of Hosea Hathaway, the sum of five hundred and fifty dollars. In the resolve chapter thirty, in favor of the widow of George M. Newton, the sum of five hundred and fifteen dollars. In the resolve chapter thirty-one, in favor of the widow of Josiah F. Stone, the sum of five hundred and one dollar and sixty cents. In the resolve chapter twenty-seven, in relation to the boundary line between Massachusetts and Rhode Island, a sum not exceeding five hundred dollars ; to be expended under

John McGrath.

Ebenezer Gay.

State prison.

Secretary.

Nantucket Agricultural Society.

Middlesex Agricultural Society.

John W. R. Sawin.

Alexander Hyde.

Jane Parks.

State library.

Public documents.

State prison.

Disabled soldiers.

Hosea Hathaway.

Geo. M. Newton.

Josiah F. Stone.

Rhode Island boundary.

the direction of the governor and council, for the purpose of carrying out the provisions of the resolve. In the resolve chapter thirty-two, in favor of the Bridgewater normal school, the sum of eight thousand dollars. In the act chapter one hundred and forty-seven, authorizing the appointment of a clerk in the executive department, the sum of nine hundred dollars. For expenses of summoning witnesses before committees and for fees for such witnesses, a sum not exceeding one thousand two hundred dollars, the same to be in addition to the amount heretofore appropriated.

Bridgewater
Normal School.

Executive clerk.

Witnesses be-
fore committees.

SECTION 2. This act shall take effect upon its passage.
Approved April 20, 1881.

AN ACT TO ESTABLISH REGISTRARS OF VOTERS IN CITIES.

Chap. 210

Be it enacted, etc., as follows:

SECTION 1. The city council of any city of this Commonwealth, which shall by a concurrent vote of both branches thereof accept the provisions of this act, shall, as soon as may be after such acceptance, elect two able and discreet persons, inhabitants of said city, who shall hold no other office or position by election or appointment under the city government, to constitute, together with the city clerk, for the time being, a board of registrars of voters. One of the registrars so elected shall hold his office until the first day of April in the year succeeding that in which he is elected, and the other until the first day of April in the following year. And the city council shall, in the month of February or of March in the year in which such first term shall expire, and in each year thereafter, elect one person qualified as aforesaid, to be a registrar of voters for the term of two years from the first day of April then next ensuing, and until another is elected in his place. In case of a vacancy occurring by reason of the death, resignation, or removal from office of either of the registrars elected as aforesaid during the term for which he is elected, the city council shall elect a person qualified as aforesaid, for the residue of said term. The city clerk shall act as clerk of the board.

Registrars of
voters in cities
when this act is
accepted.

SECTION 2. The registrars shall, in addition to the duties imposed upon them by this act, perform all and singular the duties imposed upon the mayor and aldermen, or board of aldermen, by any laws which now are or hereafter may be in force in the several cities, respecting the preparation, correction, revision, publication and transmission to the ward officers of the alphabetical lists of voters to be used

Powers and
duties.

at elections; and all the powers so conferred, and all the duties and liabilities so imposed upon the mayor and aldermen, or board of aldermen, of said city, in relation to the preparation, correction, revision, publication and transmission of said lists, are hereby conferred and imposed exclusively upon said registrars.

To be sworn.

Compensation.

To prepare alphabetical lists of voters.

Illegal registration.

Office room to be furnished.

Penalty for giving false name to registrar.

Penalty on registrar for neglect.

SECTION 3. The registrars shall, before entering upon the duties of their office, take and subscribe an oath faithfully to perform the same. They shall receive such compensation as the city council may from time to time determine, but such compensation shall not be regulated by the number of names registered on any list of voters, and any reduction of compensation shall take effect upon such registrars only as shall be elected after such reduction.

SECTION 4. The registrars shall prepare, correct, revise and publish, in accordance with this act and with the laws of the Commonwealth, the alphabetical lists of voters of each ward, and the collectors of taxes of said city shall make the return now required by law to be made to the mayor and aldermen, to the board of registrars of voters, and all assessors and collectors of taxes of said city shall furnish any information in their possession necessary to aid the registrars in the discharge of their respective duties.

SECTION 5. Upon the affidavit of any voter in any city, setting forth that in his opinion a certain person is illegally registered, and the reasons therefor, the registrars of such city shall re-examine the matter of the registration of such person, and, if deemed necessary, shall cause him to be brought before them for examination, and if satisfied that he is not a qualified voter they shall strike his name from the list.

SECTION 6. The city council in the several cities shall furnish office room for the registrars, and such aid as shall be necessary for carrying out the provisions of this act.

SECTION 7. Whoever gives a false name or a false answer to any registrar concerning any matter relating to the registration of voters, or to the right of any person to vote, shall incur the same penalty which is provided by law for giving a false name or false answer to the selectmen of towns when in session to correct the lists of voters.

SECTION 8. Any registrar who wilfully neglects or refuses to perform the duties of his office shall, for each offence, forfeit a sum not exceeding two hundred dollars.

SECTION 9. This act shall not apply to the city of Boston. Not to apply to Boston.

SECTION 10. This act shall take effect upon its passage.
Approved April 21, 1881.

AN ACT TO INCORPORATE THE CHARLES RIVER EMBANKMENT Chap. 211
 COMPANY.

Be it enacted, etc., as follows:

SECTION 1. Isaac Pratt, jr., Frederick L. Ames, William E. Coffin, Charles Davenport, Marietta G. Allen, John Goldthwait, Matilde C. Allen and Harriett A. Porter, their associates and successors, are hereby made a corporation by the name of "The Charles River Embankment Company," to be established in the city of Boston, with all the powers and privileges, and subject to all the duties, restrictions and liabilities set forth in all general laws which now are or hereafter may be in force relating to all similar corporations organized under the general laws of this Commonwealth, except so far as otherwise provided by this act. Corporators.

Name.

Powers and duties.

SECTION 2. Said corporation is authorized to buy and hold any or all of the land and flats in the city of Cambridge within the boundaries hereinafter mentioned, for the purpose of improving the same by building a public esplanade two hundred feet wide along the water front thereof, and by filling to established grades, of building thereon and of selling or otherwise disposing of the remainder of said territory for its benefit. Said corporation is further authorized, at any time within two years from the passage of this act, to take and hold by purchase or otherwise, as hereinafter provided, as much of said land and flats not now owned by said persons named in section one of this act, as may be necessary to complete said esplanade along the water line of the same from West Boston bridge easterly to the Grand Junction Railroad bridge westerly; said land and flats are bounded as follows:— Northerly by the location of the Grand Junction Railroad; easterly by Main Street and West Boston bridge; and southerly by a line beginning at the point marked A of the harbor line established by chapter one hundred seventy of the acts of the year eighteen hundred eighty on the Cambridge side of Charles River, said point being marked by a copper tack through an iron plate on the northerly side of West Boston bridge, thence running southwesterly on a curve of nine hundred fifty-one and thirty-four one-hundredths feet radius, tangent at point A to the said May buy and hold certain land and flats in Cambridge.

May take land by purchase or otherwise.

harbor line for a distance of five hundred and three and one one-hundredth feet, thence continuing southwesterly on a straight line tangent to said curve and about one hundred feet southerly of said harbor line, for a distance of six thousand eight hundred thirty-eight and nineteen one-hundredths feet, thence westerly on a curve of twelve hundred feet radius, tangent to the last named line for a distance of four hundred ninety-six and ninety-seven one-hundredths feet, thence westerly on a straight line tangent to the last named curve to the Grand Junction Railroad bridge.

Description of
land taken to
be filed in regis-
try of deeds.

SECTION 3. Said corporation shall, within sixty days from the time it takes any land otherwise than by purchase, file in the office of the registry of deeds of the southern district of the county of Middlesex, a description of each parcel of land so taken as certain as is required in a common conveyance of land, together with a statement of the purpose for which the lands are taken, which description and statement shall be signed by the president of the corporation.

Liability for
damages.

SECTION 4. When any land shall be taken under the provisions of this act, said corporation shall pay all the damages occasioned thereby; and said damages shall, in case the parties fail to agree upon the same, be determined and recovered in the manner provided in the general laws in respect to land and real estate taken by railroad corporations for the location and making of their railroads, or for depot and station purposes.

May fill land
covered by
tide-water.

SECTION 5. Said corporation may, subject to the provisions of general laws, fill and occupy in the manner and for the purposes set forth in the second section of this act the land now covered by tide water which said corporation shall acquire under the provisions of this act: *provided*, that said corporation shall build a substantial sea wall on the water line of said described territory and shall construct and appropriate to public use as an esplanade or park way, a strip on said water line two hundred feet wide and extending from West Boston bridge to said Grand Junction Railroad bridge; and *provided, further*, that within three years from the passage of this act said corporation shall have completed one thousand feet in length of said sea wall, and shall have deposited on said described territory not less than three hundred thousand cubic yards of earth dredged from Charles River basin in such localities and to such depths as the harbor and land commissioners shall prescribe, and *provided, further*, that said sea wall and the

To build sea
wall.

filling of said territory shall be completed within ten years from the passage of this act. Said corporation may transfer to the city of Cambridge the strip two hundred feet wide on said water line to be appropriated to public use as herein provided; and said city of Cambridge may accept and thereafter maintain the same for public use as aforesaid.

To be completed within ten years.

May transfer to Cambridge strip on water line.

SECTION 6. The capital stock of said corporation shall not be less than five hundred thousand dollars, and may be increased to not exceeding two millions of dollars, as may be necessary, from time to time, by vote of the corporation; and shall be divided into shares of a par value not exceeding one hundred dollars each; but said corporation shall not buy or take any land or commence the transaction of business until the whole amount of the capital stock as then fixed shall have been paid in, in cash, agreeably to the provisions of the general laws relative to corporations organized under the laws of the Commonwealth, and a certificate thereof filed in the office of the secretary of the Commonwealth as required by section thirty-two of chapter two hundred and twenty-four of the acts of the year eighteen hundred and seventy.

Capital stock and shares.

SECTION 7. This act shall take effect upon its passage.

Approved April 21, 1881.

AN ACT TO PROTECT SALTER'S BEACH IN THE TOWNS OF DUXBURY
AND PLYMOUTH.

Chap. 212

Be it enacted, etc., as follows:

SECTION 1. Any person who shall take or remove by land or water, from any shore or beach in the towns of Duxbury or Plymouth lying between Green Harbor River and Gurnet Light, any earth, sand, gravel, stones or other material of like nature, now or hereafter composing such shore or beach, without the consent in writing of the board of harbor and land commissioners, shall for each offence forfeit and pay to the use of the Commonwealth a sum not less than twenty-five dollars, nor more than two hundred dollars, or be punished by imprisonment in jail not exceeding two months.

Earth, sand, etc., not to be taken from beach without consent of harbor commissioners.

SECTION 2. Any person found offending against the provisions of this act may be arrested without a warrant by any constable of Duxbury or Plymouth, or by any officer qualified to serve criminal process, and shall be kept in custody in jail or other convenient place not more than twenty-four hours. Sundays and legal holidays excepted; at or before the expiration of which time such person shall be

Person offending may be arrested without a warrant.

brought before a court or magistrate having jurisdiction in such case, and proceeded against according to law.

Approved April 21, 1881.

Chap. 213 AN ACT TO AUTHORIZE THE CITY OF SALEM TO TAKE CERTAIN FLATS
IN THE NORTH RIVER.

Be it enacted, etc., as follows:

May take flats
in North River,
for abatement
of nuisance.

Description of
land taken to be
filed in registry
of deeds.

Assessment of
damages.

Trial by jury.

SECTION 1. For the purpose of abating the nuisance in the city of Salem, in that part of the North River lying in Salem above North Bridge, the said city may from time to time purchase or otherwise take any or all of the flats lying in the said North River, between North Street and Grove Street, and southerly of the Essex Railroad, and fill and raise the same to such grade as may be deemed necessary or expedient. Such city shall within sixty days from the time it shall take for such purpose said flats, or any of them, file in the office of the registry of deeds for the southern district of the county of Essex a description of the flats so taken, as certain as is required in a common conveyance of lands, and a statement that the same are taken pursuant to the provisions of this act; which said description and statement shall be signed by the mayor of said city, and the title of all flats so taken shall vest in the city of Salem in fee simple, and the same may be sold and conveyed by said city in such manner as the city council may determine; and if any party whose flats are taken shall agree with said city upon the damage done to him by the said taking, the same shall be paid to him by the said city forthwith.

SECTION 2. Any owner of flats so taken who cannot agree with the said city as to the damage done to him by said taking may have the same assessed by the county commissioners; and if either party is dissatisfied with the estimate of the county commissioners said party may apply for a jury to assess the damages; and the proceedings thereupon and the proceedings upon application to the county commissioners shall be the same as provided for the assessment of damages in laying out highways. The respective rights and remedies of persons having different or separate interests or estates in the same property as to the disposition of the damages awarded or agreed to under this act shall be in all respects the same as they now are in the case of property taken for the laying out of highways.

SECTION 3. If any party shall apply for and obtain a trial by jury, he shall recover his legal costs after such

application, if he shall recover a greater amount than the award of the county commissioners with the accrued interest thereon, otherwise he shall be liable for the legal costs of the city of Salem. If said city shall make such application and the verdict of the jury shall be less than the amount awarded by the county commissioners, it shall recover its legal costs, otherwise it shall be liable for the legal costs of the other party.

Costs.

SECTION 4. No application to the county commissioners to estimate damages for lands taken under this act shall be sustained, unless made within three years from the time of taking the same.

Application to be made within three years.

SECTION 5. The city council of the city of Salem is hereby authorized to lay out, in the manner provided by the charter of said city, any street or way over any of the flats referred to in this act.

Streets may be laid out.

SECTION 6. This act shall take effect on its acceptance by the city council of the city of Salem.

Subject to acceptance.

Approved April 21, 1881.

AN ACT IN RELATION TO INVESTMENTS AND DEPOSITS WHICH MAY BE MADE BY SAVINGS BANKS AND INSTITUTIONS FOR SAVINGS.

Chap. 214

Be it enacted, etc., as follows:

SECTION 1. In addition to the investments authorized by section nine of chapter two hundred and three of the acts of the year eighteen hundred and seventy-six, and the acts in amendment thereof and in addition thereto, savings banks and institutions for savings may invest in the first mortgage bonds of any railroad company incorporated under the authority of any of the New England states and located wholly or in part in the same, which is in possession of and operating its own road, and has earned and paid regular dividends for the two years next preceding such investment; or in the first mortgage bonds of any railroad thus located and incorporated, when said bonds are guaranteed by said first named company; or in the bonds or notes of any railroad located wholly or in part in and incorporated under the laws of this state, and unencumbered by mortgage, and which has paid a dividend of not less than five per centum per annum upon its capital stock for two years next preceding such investment; or upon the note or notes of any citizen of this state, with a pledge as collateral of any of the aforesaid securities at no more than eighty per centum of the par value thereof: *provided*, that the term "railroad," as used in this act shall not be construed to include street railways.

Investments which may be made by savings banks.

Proviso.

Amendment to
1876, 203, § 9.

SECTION 2. Paragraph two of said section nine is hereby amended by adding after the word "states," in the fifth line thereof, the words "whose net indebtedness does not exceed five per centum of the valuation of the taxable property therein, to be ascertained by the last preceding city valuation for the assessment of taxes," so that the entire paragraph shall read as follows:—"Second. In the public funds of any of the New England states; of the state of New York or of the United States; in the bonds or notes of any city, county or town of this state; in the bonds or notes of any of the cities of the New England states, whose net indebtedness does not exceed five per centum of the valuation of the taxable property therein, to be ascertained by the last preceding city valuation for the assessment of taxes; or on the notes of any citizen of this state with a pledge of any of the aforesaid securities at no more than the par value thereof."

Amendment to
1876, 203, § 9.

SECTION 3. Paragraph four of said section nine is hereby amended by striking out the words "this state," in the third line thereof, and inserting therefor the words "the New England states," and by inserting after the word "associations," in the fifteenth line thereof, the words "or any trust company incorporated under the laws of this state, which provides the same security as banking associations incorporated under the authority of the United States," so that the entire paragraph shall read as follows:—"Fourth. In the stock of any bank incorporated under the authority of this state, or the stock of any banking association located in the New England states and incorporated under the authority of the United States; or on the notes of any citizen of this state with a pledge as collateral of any of the aforesaid securities at no more than eighty per cent. of the market value and not exceeding the par value thereof: *provided, however,* that such corporation shall not hold, both by way of investment and as security for loans, more than one-quarter of the capital stock of any one bank or banking association, nor invest more than ten per cent. of its deposits, nor more than one hundred thousand dollars in the capital stock of any such bank or association. Savings banks may deposit on call in such banks or banking associations, or any trust company incorporated under the laws of this state, which provides the same security as banking associations incorporated under the authority of the United States, and receive interest for the same, sums not to exceed twenty per cent. of the amount deposited in said savings banks."

SECTION 4. Paragraph three of said section nine is hereby repealed. *Repeal.*
Approved April 22, 1881.

AN ACT RELATING TO REGISTERS OF PROBATE AND INSOLVENCY IN
 THE SEVERAL COUNTIES.

Chap. 215

Be it enacted, etc., as follows:

SECTION 1. Registers of probate and insolvency in their several counties may annually be allowed, if deemed necessary by the judges of probate and insolvency in their respective counties, a sum not exceeding one-third of the amount of salary to which such registers shall be entitled respectively, for extra clerical assistance actually performed, and the same shall be paid by the treasurer of the Commonwealth; and the judges, in their respective counties, shall audit and approve the accounts of the registers.

Allowance for extra clerical assistance.

SECTION 2. Registers of probate and insolvency in their several counties may issue process of attachment and of execution, and all other proper processes necessary to carry into effect any order or decree of their respective courts, and the same may run into any county, and shall be executed and obeyed throughout the state.

May issue process of attachment and execution.

SECTION 3. Registers of probate and insolvency shall keep a docket of all cases and matters in the probate courts of their several counties, in which they shall enter each case or matter by its appropriate title and number, with short memorandums of all proceedings and papers filed, in each case or matter respectively, with the date of such proceeding or filing, and a reference to the volume and page of the record, if such proceeding or paper is recorded. They shall also keep a separate alphabetical index of all cases and matters in said probate courts, which index shall refer to said docket and to the files of the probate court. Said docket and index shall be open to public inspection at all reasonable times.

To keep a docket of cases in probate court.

SECTION 4. The second section of chapter two hundred and ninety-two of the acts of the year eighteen hundred and seventy-nine is hereby repealed.

Repeal of 1879, 292, § 2.

SECTION 5. This act shall take effect upon its passage, except the third section, which shall take effect upon the first day of July next.
Approved April 23, 1881.

AN ACT CONCERNING COSTS UNDER THE TRUSTEE PROCESS.

Chap. 216

Be it enacted, etc., as follows:

SECTION 1. In any suit brought under the trustee process in which the damages assessed do not exceed in amount the sum of ten dollars, exclusive of all costs which have

Plaintiff not to have costs, unless more than \$10 is recovered.

accrued in any former action, the plaintiff shall not be entitled to costs.

Existing cause of action not affected.

SECTION 2. This act shall not affect any suit brought upon a cause of action now existing.

SECTION 3. This act shall not take effect until July first, eighteen hundred and eighty-one.

Approved April 23, 1881.

Chap. 217 AN ACT IN RELATION TO THE AUDITING OF THE ACCOUNTS OF COUNTY OFFICERS.

Be it enacted, etc., as follows :

Returns to be made to embrace receipts, etc., for year ending Sept. 30.

SECTION 1. The returns required by section one of chapter one hundred and sixty-one of the acts of the year eighteen hundred and eighty shall hereafter be made on or before the thirty-first day of October in each year, and shall embrace the charges, receipts and expenditures for the year ending on the thirtieth day of September next preceding, instead of for the calendar year, as provided by said chapter. The commissioners of savings banks shall make to the legislature, on or before the fifteenth day of January in each year, the report required from them by said chapter.

Report to legislature.

Repeal.

SECTION 2. So much of said chapter as is inconsistent herewith is hereby repealed. *Approved April 23, 1881.*

Chap. 218 AN ACT TO PROVIDE FOR THE APPOINTMENT OF RAILROAD POLICE OFFICERS FOR THE TROY AND GREENFIELD RAILROAD.

Be it enacted, etc., as follows :

Railroad police for the Troy and Greenfield Railroad.

SECTION 1. The selectmen of North Adams and of any other town on the line of the Troy and Greenfield Railroad may, upon petition of the manager of the Troy and Greenfield Railroad and Hoosac Tunnel, appoint any person or persons in the employ of said manager police officers to act as railroad police, and to have upon the premises and cars of the state road all the powers which railroad police officers now have upon the premises and cars of the corporation upon whose petition they are appointed. Such officers shall be paid by said manager, and shall hold their offices during the pleasure of the selectmen, provided that their authority shall cease when said manager files with the town clerk notice to that effect.

SECTION 2. This act shall take effect upon its passage. *Approved April 23, 1881.*

AN ACT TO AMEND "AN ACT TO IMPOSE AN EXCISE TAX UPON
LIFE INSURANCE COMPANIES." *Chap. 219*

Be it enacted, etc., as follows:

SECTION 1. Section one of chapter two hundred and twenty-seven of the acts of the year eighteen hundred and eighty is hereby amended by striking out in the twelfth line thereof the word "half," and inserting in its place the word "quarter."

Excise tax upon
life insurance
companies.
1880, 227, § 1.

SECTION 2. This act shall not affect any existing liability or duty, and shall take effect upon its passage.

Approved April 23, 1881.

AN ACT IN RELATION TO PRISONERS SENTENCED TO IMPRISON-
MENT IN JAIL IN SUFFOLK COUNTY. *Chap. 220*

Be it enacted, etc., as follows:

SECTION 1. The sheriff of the county of Suffolk may remove from the jail in Suffolk county to the house of correction in said county, any person held in said jail upon a sentence, and the person so removed shall serve in said house of correction the remainder of his term of sentence: *provided, however,* that no such removal shall be made without the written consent of the court which imposed the sentence, or, in case the sentence was imposed by the superior court, the consent of the district attorney.

Prisoners may
be removed
from jail to
house of correc-
tion in Suffolk.

Proviso.

SECTION 2. The provisions of section one of this act shall not authorize the removal of a prisoner held in said jail upon a sentence imposed by a court of the United States.

United States
prisoners
excepted.

SECTION 3. This act shall take effect upon its passage.

Approved April 25, 1881.

AN ACT TO AMEND "AN ACT IN RELATION TO REGISTRATION
AND ELECTIONS IN THE CITY OF BOSTON." *Chap. 221*

Be it enacted, etc., as follows:

SECTION 1. Section sixteen of chapter two hundred and forty-three of the acts of the year eighteen hundred and seventy-eight is hereby amended by striking out the first word of said section and inserting therein the word "all," and inserting before the word "the," in the fourth line, the words "any of," and by inserting after the word "lists," in the fourth line thereof, the words "between the close of registration and the day of the next succeeding election."

Amendment to
1878, 243, § 16.

SECTION 2. This act shall take effect upon its passage.

Approved April 26, 1881.

Chap. 222 AN ACT IN RELATION TO CONDITIONAL SALES OF PERSONAL PROPERTY.

Be it enacted, etc., as follows :

Right to redeem
personal prop-
erty taken in
possession by
vendor.

SECTION 1. In cases of conditional sales of personal property hereafter made, the title to which is not to pass until the same is paid for in full, upon any breach of any condition or stipulation in such contract or conditional sale as to the payment of the purchase money, by which the vendor shall proceed to take possession of the property as provided for by the conditions of sale, the vendee shall have the right to redeem such property taken, by paying to the vendor or his agent within fifteen days after the taking possession of said property the full amount with interest and all lawful charges and expenses due to said vendor.

SECTION 2. This act shall take effect upon its passage.
Approved April 28, 1881.

Chap. 223 AN ACT TO SET OFF THE TOWN OF NATICK FROM THE JURISDICTION OF THE FIRST DISTRICT COURT OF SOUTHERN MIDDLESEX.

Be it enacted, etc., as follows :

Natick set off
from juris-
diction of court.

SECTION 1. The town of Natick is hereby set off from the jurisdiction of the first district court of Southern Middlesex.

SECTION 2. This act shall not affect any action pending in the first district court of Southern Middlesex at the time when this act shall take effect.

Approved April 28, 1881.

Chap. 224 AN ACT TO AMEND "AN ACT RELATING TO THE SALARIES AND COMPENSATION OF THE PERSONS EMPLOYED IN THE SECRETARY'S DEPARTMENT."

Be it enacted, etc., as follows :

Compensation
of clerks, etc.

SECTION 1. Section two of chapter seventy-nine of the acts of the year eighteen hundred and seventy-nine is hereby amended by striking out the word "eleven," in the last line of said section, and inserting the word "twelve," in place thereof.

SECTION 2. This act shall take effect upon its passage.
Approved April 30, 1881.

AN ACT RELATING TO SCREENS AND OTHER OBSTRUCTIONS UPON PREMISES IN WHICH INTOXICATING LIQUOR IS SOLD. *Chap. 225*

Be it enacted, etc., as follows :

SECTION 1. Section two of chapter two hundred and thirty-nine of the acts of the year eighteen hundred and eighty is amended by striking out in the ninth line the words "may at any time," and by inserting in place thereof the word "shall"; and by adding to said section the following words:—"And no such licensed person shall place or maintain, or authorize or permit to be placed or maintained, upon any premises used by him for the sale of spirituous or intoxicating liquors under the provisions of his license, any screen, blind, shutter, curtain, partition, or painted, ground, or stained glass window, or any other obstruction, which shall interfere with a view of the business conducted upon the premises. No person licensed as aforesaid shall expose in any window upon his premises any bottles or casks or other vessels containing, or purporting to contain, intoxicating liquors, in such way as to interfere with a view of the business conducted upon the premises."

View of premises where liquors are licensed to be sold, not to be obstructed.

Bottles, etc., not to be exposed in windows.

SECTION 2. This act shall take effect upon its passage.
Approved April 30, 1881.

AN ACT TO PREVENT THE USE OF BUILDINGS BY CLUBS AND OTHER ASSOCIATIONS FOR SELLING OR DISPENSING INTOXICATING LIQUORS IN CERTAIN CITIES AND TOWNS. *Chap. 226*

Be it enacted, etc., as follows :

SECTION 1. In any city or town in which the inhabitants vote as provided in chapter fifty-four of the acts of the year eighteen hundred and eighty-one, that no licenses shall be granted for the sale for intoxicating liquors, all buildings, places or tenements therein, used by clubs for the purpose of selling, distributing or dispensing to their members or others, intoxicating liquors, shall be deemed common nuisances.

Certain clubs to be deemed nuisances, in towns where no licenses are granted.

SECTION 2. Whoever keeps or maintains or assists in keeping or maintaining a common nuisance as defined in section one of this act, shall be liable to the same penalties as those keeping or maintaining the common nuisances described in section six of chapter eighty-seven of the General Statutes.

Penalty for maintaining nuisance.

SECTION 3. This act shall take effect on the first day of May of the current year. *Approved April 30, 1881.*

Chap. 227

AN ACT TO INCORPORATE THE EAST HAVEN COMPANY.

Be it enacted, etc., as follows :

Corporators.

SECTION 1. James Alexander, William Gaston, Josiah Quincy, Frederick O. Prince, James W. Converse, Edwin F. Waters, Edward A. White and Norman C. Munson, their associates and successors, are hereby made a corporation by the name of the East Haven Company, to be established in the county of Suffolk, with all the powers and privileges, and subject to all the duties, restrictions and liabilities, set forth in all general laws which now are or hereafter may be in force relating to similar corporations organized under the general laws of this Commonwealth, except so far as otherwise provided by this act.

May purchase,
improve and
sell certain
lands and flats
in East Boston.

SECTION 2. Said corporation is hereby authorized to purchase, hold, manage, improve, lease and dispose of the land and flats situated in Boston in said county, and lying easterly and southerly of the sea wall built by the East Boston Company and of the Boston, Revere Beach and Lynn Railroad, in that part of Boston called East Boston, and westerly and southerly of Saratoga Street ; and to construct and maintain thereon ship channels, basins, docks, wharves, elevators, warehouses and other buildings and structures suitable for terminal facilities for receiving, storing, delivering and forwarding freight, including cattle and live stock, to be received and sent from steamships or other ships or from railroads ; and for the purpose of transacting all such business as is usually performed by persons or corporations engaged in receiving, storing or forwarding freight or passengers at the seaboard ; and to lay vessels at the ends and sides of its wharves and water frontage, and receive wharfage and dockage therefor ; and to keep open and convenient for navigation at all times the ship channels, docks and basins which it is hereby authorized to construct ; and for the purposes aforesaid may be appointed public warehouseman, pursuant to the laws of the Commonwealth, but shall not be authorized to carry on the business of buying and selling merchandise.

May construct
wharves and
docks.

May be ap-
pointed public
warehouseman.

May lay and
maintain rail-
road tracks.

SECTION 3. This corporation may lay and maintain railroad tracks to be operated by steam power upon any of its wharves or terminal grounds, and may, with the consent of and in methods imposed by the railroad commissioners, extend the same to, connect the same with, and cross the same over, the tracks of any railroad corporation or corporations, and may take land requisite for that purpose : *provided, however,* that no land or tracks of any railroad corporation shall, except for the connections

required as aforesaid, be taken or interfered with without its consent; but any railroad corporation may by agreement with this corporation, under the limitations of this act, re-locate or extend its tracks in such manner as may be necessary for connection with the tracks of this corporation. This corporation may lay railroad tracks to be operated by steam power in such streets in that part of Boston called East Boston as the board of aldermen of the city of Boston may permit, and subject to such regulations and conditions as said board may prescribe; but said board may at any time revoke such permission and discontinue any such location, upon due notice and hearing of the parties in interest.

SECTION 4. The taking of any land for the purpose aforesaid, and the damages therefor, and the location and construction of any railroad to be constructed by this corporation under the authority of this act, and the operation of any such railroad, shall so far as applicable thereto, be subject to the provisions of the general railroad act of the year eighteen hundred and seventy-four, and of any acts passed or to be passed in addition to the same or in amendment thereof. It shall be the duty of each railroad corporation whose railroad shall be connected with the tracks of this corporation, as aforesaid, either directly or over intervening road or roads, to receive and deliver freight cars at each of said connections, and to draw the same over its road at rates to be established according to the provisions of said general railroad act and any amendment thereof or addition thereto regulating the use and operation of connecting railroads. In making such connections this corporation shall have all the powers and be subject to all the duties, so far as applicable thereto, set forth in said act, amendments and additions in respect to connecting railroads.

Location and
construction of
road, land
damages, etc.

SECTION 5. Said corporation, for the purposes set forth in the preceding sections, may, in addition to the lands and flats above described, purchase and hold any such lands and flats adjoining any lands or flats of said corporation as may be convenient and necessary therefor, and may acquire by purchase all the rights, powers and benefits granted to the Boston Land Company by the two hundred and twenty-fifth chapter of the acts of the year eighteen hundred and seventy-seven, but subject to the provisions therein contained: *provided, however*, that until the East Haven Company has acquired the rights, powers and benefits granted to the Boston Land Company by said act,

May purchase
rights and
powers of the
Boston Land
Company.

Proviso.

the same shall not be exercised and enjoyed under the authority of this act without the consent in writing of said Boston Land Company; and the first section of said chapter is hereby amended by substituting the words "nine years," for the words "six years," therein.

Use of locomotives and cars to be regulated by the board of aldermen.

SECTION 6. The crossing and use of all streets in that part of Boston called East Boston, by the locomotives and cars upon the tracks of any railroad leading to any dock, wharf, elevator, warehouse or other building or structure of said corporation, shall be under such rules and regulations and upon such conditions as the board of aldermen of said city may prescribe: *provided, however*, that no street shall be crossed at grade without the consent of the railroad commissioners.

May extend wharves with approval of harbor commissioners.

SECTION 7. This corporation, with the approval of the harbor and land commissioners, and in such manner and to such extent as the commissioners may see fit, may extend its wharves, docks and terminal grounds beyond the commissioners' line, and may with the approval of said harbor and land commissioners, construct, maintain and use ship channels, docks, wharves and terminal grounds through or upon any land and flats belonging to the Commonwealth adjoining any lands or flats of this corporation; but in case of the extension of its wharves, docks or terminal grounds over any land or flats of the Commonwealth, this corporation shall pay into the treasury of the Commonwealth, as compensation for the same, such sums as the governor and council shall determine to be just and equitable. And said commissioners, subject to the approval of the governor and council, may contract for the sale of, and may by deed convey to the East Haven Company on such terms as may be agreed upon, such land and flats of the Commonwealth as may be required for the purposes of said company.

May purchase land of the Commonwealth.

Capital stock and shares.

SECTION 8. The capital stock of said corporation shall not be less than two hundred and fifty thousand dollars nor more than three million dollars, to be fixed and increased as may be necessary from time to time by vote of the corporation, and shall be divided into shares of the par value of one hundred dollars each; but said corporation shall not take any land or commence the transaction of business until the whole amount of the capital stock as then fixed shall have been paid in, in cash, agreeably to the provisions of the general laws relative to corporations organized under the laws of the Commonwealth, and a certificate thereof filed in the office of the secretary of the

Commonwealth as required by section thirty-two of chapter two hundred and twenty-four of the acts of the year eighteen hundred and seventy.

SECTION 9. Any railroad corporation within or without the Commonwealth, the tracks of which shall either directly or over intervening road or roads connect with any track or tracks laid and maintained on said terminal land, the East Boston Company and any steamship company engaged in the carriage of freight between the port of Boston and any foreign port, may subscribe for and hold stock in the East Haven Company, and in such case may, by its president or any agent appointed by its board of directors for the purpose, be represented and vote at all meetings of the East Haven Company.

Subscribers for stock in the company.

SECTION 10. It shall be the duty of said corporation hereby created to receive and store at reasonable rates, and under reasonable regulations, and so far as its capacity may admit, all freights received or to be sent that shall be offered to said corporation. Said corporation shall make no discrimination against or in favor of any railroad corporation or ship owner desiring to do business on its premises.

Storage of freights.

SECTION 11. Said corporation may issue its bonds, and secure them by mortgage of its property and franchise, to an amount not exceeding two-thirds of its capital stock then paid in.

May issue bonds and mortgage property.

SECTION 12. Unless this corporation shall construct or cause to be constructed under the authority of this act, within five years from the passage thereof, one or more docks, with capacity at least for two ocean steamers, the rights and powers granted in and by this act, in respect to lands and flats of the Commonwealth, shall cease and become void, except where and so far as valuable structures, works or enclosures shall have been actually and in good faith built or made under the same, and except as to lands and flats actually purchased of the Commonwealth.

Docks to be constructed within five years.

SECTION 13. This act shall take effect upon its passage.
Approved April 30, 1881.

AN ACT TO REQUIRE THE HOUSATONIC RAILROAD COMPANY TO CONSTRUCT A STATION AT STOCKBRIDGE.

Chap. 228

Be it enacted, etc., as follows:

SECTION 1. The Housatonic Railroad Company is required to erect and maintain in the town and near the village of Stockbridge a station reasonably commodious and furnished for the use of passengers. Said company shall within ninety days after the passage of this act cause plans

To maintain a station near village of Stockbridge.

and designs to be prepared of the proposed station, including the location thereof, and submit them to the board of railroad commissioners for their approval. Said board shall within thirty days approve the same or order such changes therein as in their judgment the safety and convenience of the public require; and the changes so ordered, if any, shall be made by said company within thirty days after such order. And if it becomes necessary in locating and constructing said station or removing its freight station for said company to take land without agreement with the owner or owners thereof, it shall be taken under the provisions of law relating to the taking of land for railroad tracks.

May take land.

Station to be completed on or before Jan. 1, 1883, under penalty.

SECTION 2. Said passenger station shall be located, constructed and furnished according to such plans so approved or ordered to be changed by said board, and be ready for use on or before the first day of January in the year eighteen hundred and eighty-three. If said company neglects to perform the duty required of it by section one, it shall forfeit and pay the sum of one hundred dollars for each day's delay in performing said duty; and if, after receiving notice of the action of the board, said company does not comply with the requirements of section two, it shall forfeit and pay two hundred dollars for each month's delay in completing and furnishing said passenger station, and said forfeitures may be recovered in actions of tort to the use of the Commonwealth.

SECTION 3. This act shall take effect upon its passage.
Approved April 30, 1881.

Chap. 229

AN ACT RELATING TO ORDINANCES OF THE CITY OF BOSTON.

Be it enacted, etc., as follows:

May prescribe duties of certain officers and fix their compensation, by ordinance.

SECTION 1. The city council of Boston may pass ordinances prescribing the duties and fixing the compensation of officers for whose appointment or election they are now or may hereafter be authorized to provide, and every such officer unless otherwise provided by statute may be empowered by ordinance to hold office for one year from the day in the year of his election or appointment fixed by ordinance, and until his successor shall be elected or appointed and qualified, unless sooner removed by concurrent vote of each branch of the city council.

Certain ordinances confirmed.

SECTION 2. The ordinances of said city so far as they provide for a term of office longer than one year for members of the board of health and of the board of fire commissioners, are hereby confirmed, and the persons now

acting under said ordinances as members of said boards shall severally hold their offices and have the powers and duties thereof until their successors are qualified.

SECTION 3. The enacting style and method of publishing the ordinances of said city shall be such as the city shall by ordinance prescribe.

Enacting style.

SECTION 4. All fines and penalties for the breach of any ordinance of said city shall be paid into the treasury for the use of said city unless otherwise provided by statute or ordinance.

Fines to be paid into treasury.

SECTION 5. This act shall take effect upon its passage.

Approved April 30, 1881.

AN ACT IN ADDITION TO AN ACT TO PROVIDE FOR THE MANAGEMENT OF THE HOOSAC TUNNEL AND THE TROY AND GREENFIELD RAILROAD.

Chap. 230

Be it enacted, etc., as follows:

SECTION 1. The manager of the Troy and Greenfield Railroad and Hoosac Tunnel is authorized to make and enforce all needful rules for the operation thereof, including the operation of the yard at North Adams, and also including rules as to the circumstances which shall constitute delivery of freight and freight cars from one railroad company to another at said yard. And he shall have the power to operate said yard, including the shifting of cars therein, and to hire men and locomotive power therefor, and in case of necessity he may use the locomotive power of any operating railroad company therefor; and said manager shall live in North Adams.

Manager may make rules for operation of road.

Yard at North Adams.

SECTION 2. If any of the companies operating said road shall object to any of said rules, the question shall be decided at once by the board of railroad commissioners.

If rules are objected to, commissioners to decide.

SECTION 3. If any rule made by the manager shall impose duties upon any station agent or other employé of the state, not required of such agent or employé by existing contracts with any operating railroad companies, no new liability shall thereby be imposed upon the Commonwealth, or the manager of the state railroad, nor shall the violation or neglect of such rule render the Commonwealth or the manager liable in any way, nor relieve from liability any operating railroad company which would otherwise be liable whose employés have by misconduct or negligence contributed to an accident.

No new liability incurred if rules require duties not imposed by existing contracts.

SECTION 4. If either of said operating companies shall refuse or neglect to comply with any rule made by the manager, he may in addition to his other remedies apply

Remedy for enforcement of rules.

to the attorney general, who may in his behalf make complaint before any justice of the supreme judicial court, in term time or vacation, and said justice shall have power in a summary manner to hear the complaint and to enforce his decision thereon by injunction or by any other fit decree. And the decision of said justice, pending appeal or exceptions, shall remain in full force.

Account of earnings and traffic.

SECTION 5. Each operating railroad company shall furnish the said manager such record of transactions as will enable him to make up the earnings of the Troy and Greenfield Railroad and the traffic thereof, with appeal to the board of railroad commissioners in case of disagreement as to what is necessary for that purpose in respect to items and time of reporting. *Approved April 30, 1881.*

Chap. 231 AN ACT TO AUTHORIZE THE TOWN OF BEVERLY TO REFUND ITS INDEBTEDNESS.

Be it enacted, etc., as follows :

May issue bonds to fund its present debt.

SECTION 1. The town of Beverly for the purpose of funding its present debt may issue coupon or registered bonds to an amount not exceeding in all one million one hundred thousand dollars ; the bonds shall bear date the first day of July in the year eighteen hundred and eighty-one, and be payable the first day of July in the year nineteen hundred and eleven ; they shall be in the sum of five hundred dollars or any multiple of five hundred dollars and shall bear interest payable semi-annually at the rate of four per cent. per annum ; they shall be signed by the treasurer and countersigned by the selectmen.

Sale and disposition of bonds.

SECTION 2. These bonds may be disposed of in one of the three following ways and not otherwise ; first, — they may be sold by the treasurer at their market value and the proceeds used in payment of any of the outstanding notes of the town at their maturity ; or second, — they may be sold by the treasurer at their market value and the proceeds used in the purchase of the said notes before maturity at their fair market value : or third, — these bonds may be exchanged by the treasurer for the notes of the town now outstanding, in which case interest warrants may be issued for the interest specified in the notes taken in exchange over and above the interest provided for in the bonds given in exchange. Such interest warrants shall be signed by the treasurer and countersigned by the selectmen or a majority thereof.

Bonds to be countersigned by a majority of

SECTION 3. Whenever the treasurer has occasion to issue bonds for any of the purposes mentioned in section

two, he shall state in detail in writing to the selectmen the number of bonds and interest warrants he has occasion to issue and the purpose for which they are needed; and thereupon the selectmen shall countersign as many of said bonds and interest warrants as shall be necessary for the purposes in said writing indicated. No bond shall be valid until countersigned by the selectmen or a majority thereof.

the selectmen.

SECTION 4. Said town shall annually raise by taxation an amount sufficient to pay the interest on all bonds issued under this act and on its outstanding notes as it accrues, and the interest specified in the interest warrants mentioned in section two; and shall also raise by taxation for the next ten years including the present year, ten thousand dollars a year, and thereafter until the bonds are paid twenty thousand dollars a year, which sums shall be added to the present sinking fund of said town established under chapter one hundred and sixty-eight of the acts of the year eighteen hundred and seventy-four, which sinking fund, together with all such yearly additions, shall be held in trust; first, for the payment of the notes of the town now outstanding, and, after said notes are paid, in trust for the payment of the bonds to be issued under this act.

Amount to be raised by taxation.

Sinking fund.

SECTION 5. Commissioners of the sinking fund mentioned in section four shall be elected in accordance with chapter two hundred and nine of the acts of the year eighteen hundred and seventy-five; and upon the election thereof the present commissioners of the present sinking fund, chosen under chapter one hundred and sixty-eight of the acts of the year eighteen hundred and seventy-four, shall transfer to them the assets of that sinking fund, and thereupon the duties of the present commissioners shall cease.

Commissioners of sinking fund to be elected.

SECTION 6. Except as in this act otherwise provided the town of Beverly shall be subject to chapter two hundred and nine of the acts of the year eighteen hundred and seventy-five. The supreme judicial court shall have the same jurisdiction to enforce the provisions of this act as it has under section eleven of chapter two hundred and nine of the acts of the year eighteen hundred and seventy-five to enforce the provisions of that act.

Limitation of town debt.

SECTION 7. Chapter one hundred and sixty-eight of the acts of the year eighteen hundred and seventy-four is hereby repealed. The word notes as used in this act does not include notes given in anticipation of taxes.

Repeal.

"Notes."

Subject to
acceptance by a
two-thirds vote.

SECTION 8. This act shall not go into effect until accepted by a vote of two-thirds of the legal voters present and voting at an adjournment of the annual meeting or a meeting duly called for the purpose.

Approved April 30, 1881.

Chap. 232 AN ACT TO AUTHORIZE THE TOWN OF NORTHAMPTON TO ADOPT AND EXECUTE THE PROVISIONS OF THE WILL OF CHARLES E. FORBES.

Be it enacted, etc., as follows :

May execute
provisions of
will.

SECTION 1. All requisite power and authority is hereby given to the town of Northampton to adopt and execute all the provisions of the will of Charles E. Forbes late of Northampton, relating to the establishment and maintenance of a library at said Northampton, and to perform all the conditions and to assume all the obligations mentioned in said will, and to be forever bound to the performance thereof.

Subject to
acceptance by
town.

SECTION 2. This act shall take effect upon votes being duly passed by the town of Northampton in legal town meeting called for the purpose, and recorded among the records of the town, whereby the town shall accept this act and the provisions and bequests of said will, and shall undertake to perform all the conditions and assume all the obligations mentioned in said will.

Approved May 3, 1881.

Chap. 233 AN ACT IN RELATION TO THE JURISDICTION OF COURTS OF INSOLVENCY IN CERTAIN CASES.

Be it enacted, etc., as follows :

Jurisdiction
when party re-
moves to another
county.

SECTION 1. Proceedings in insolvency, by or against a person who has removed from one county to another in this Commonwealth, shall be commenced, heard and determined in the court of insolvency in the county from which he removed, unless he has resided since such removal for three consecutive months in some other county.

SECTION 2. This act shall take effect upon its passage.

Approved May 3, 1881.

Chap. 234 AN ACT CONCERNING THE TRIAL OF CAUSES OF DIVORCE, AND THE RIGHT TO MARRY OF PARTIES AGAINST WHOM A DIVORCE HAS BEEN GRANTED.

Be it enacted, etc., as follows :

Complaint to be
made against
person divorced
for a criminal
offence.

SECTION 1. When a divorce is granted for adultery or other cause constituting a criminal offence, committed within this Commonwealth and within the time prescribed

by law for making complaints and finding indictments therefor, the court granting the divorce may in its discretion cause notice thereof to be given by the clerk of the court to the district attorney for the county in which such offence was found to have been committed, together with a list of the witnesses proving such offence, and any other information the court may deem proper, and thereupon it shall be the duty of the district attorney to cause complaint of the offence to be made before some magistrate having jurisdiction thereof, or to present the same to the grand jury.

SECTION 2. All decrees of divorce shall in the first instance be decrees *nisi*, to become absolute after the expiration of six months from the entry thereof on application of either party to the libel to the clerk of the court, and on such application the clerk shall enter a final decree unless the court has for sufficient cause, on application of any party interested, otherwise ordered.

Decrees *nisi* to become absolute on application to clerk, unless otherwise ordered by court.

SECTION 3. The court before which any libel for divorce is pending may, without entering a decree of divorce, cause the same to be continued upon the docket from time to time, and during the continuance of the same may make such orders and decrees concerning a temporary separation of the parties, the separate maintenance of the wife and the custody and support of minor children, as in its judgment the interests of the parties and the necessities of the case demand, and such orders and decrees may be changed or annulled as the court may determine, and any orders or decrees of said court under this section shall supersede any order or decree of the probate court under chapter sixty-four of the acts of the year eighteen hundred and eighty or under acts in amendment thereof or in addition thereto, and may suspend the right of said probate court to act thereunder during the time said orders or decrees are in force.

During pendency of libel, temporary separation may be ordered, etc.

SECTION 4. The party against whom a divorce has been or may hereafter be granted shall not marry within two years from the time of the entry of the final decree of divorce; at the expiration of said two years said party may marry without petition to the court.

Party against whom divorce is granted may marry at expiration of two years.

Approved May 6, 1881.

Chap. 235 AN ACT CONCERNING THE EXAMINATION OF DEBTORS AND WITNESSES IN PROCEEDINGS IN INSOLVENCY, AND THE DISCHARGE OF INSOLVENT DEBTORS.

Be it enacted, etc., as follows:

Examination of debtor, on oath, before the judge.

SECTION 1. An insolvent debtor shall, when required by the court at any time before the granting of his certificate, upon reasonable notice attend and submit to an examination on oath before the judge, by the assignee or by any creditor, touching his trade and dealings, his property and debts, and all matters which may affect the settlement of his estate in insolvency; and upon cause shown, by affidavit of any person interested in the estate, the court may summon any person suspected of having fraudulently received, concealed, embezzled or conveyed away, any money, goods, effects or other estate of the debtor, or of having any assets of the debtor in his possession, or of having knowledge of any thing material whatsoever relating to the assets or dealings of the debtor, to appear and submit to an examination in like manner. If the person summoned fails to appear after due notice and submit to such examination, or to answer such interrogatories as are lawfully propounded to him, the judge may commit him to the jail of the county, there to remain in close custody until he submits to the order of the court. All such examinations, when required by the judge, shall be in writing, signed by the party examined and filed with the other proceedings in the case.

Failing to appear, may be committed to jail.

Discharge forfeited by proceedings in fraud of creditors.
G. S. 118, § 87.

SECTION 2. Section eighty-seven of chapter one hundred and eighteen of the General Statutes is hereby amended by inserting in the tenth line thereof, after the word "he," the words "has obtained on credit from any person any money, goods, chattels or other thing of value, with intent not to pay for the same, or."

Publication of notice of filing petition.

SECTION 3. Section seven of chapter two hundred and forty-five of the acts of the year eighteen hundred and seventy-nine is hereby amended by striking out the words "at least once a week for three successive weeks," and inserting in the place thereof the word "twice," and by striking out the words "published in said county."

Repeal.

SECTION 4. Sections sixty-six and one hundred and seven of chapter one hundred and eighteen of the General Statutes are hereby repealed.

SECTION 5. This act shall take effect upon its passage.

Approved May 6, 1881.

AN ACT TO AMEND CHAPTER TWO HUNDRED AND THIRTY-FOUR
OF THE ACTS OF THE YEAR EIGHTEEN HUNDRED AND SEVENTY-
SEVEN, RELATING TO NOTICES OF INJURIES RECEIVED UPON
HIGHWAYS. Chap. 236

Be it enacted, etc., as follows:

SECTION 1. Section four of chapter two hundred and thirty-four of the acts of the year eighteen hundred and seventy-seven is amended so as to read as follows: "The notice herein before required shall be in writing, signed by the person injured, or by some one in his behalf, and may be given, in the case of a county, to any one of the county commissioners or to the county treasurer; in the case of a city, to the mayor, the city clerk, or treasurer; and in the case of a town, to one of the selectmen or to the town treasurer or clerk: *provided, however,* that if from physical or mental incapacity it be impossible for the person injured to give the notice within the time herein before provided, he may give notice within ten days after said incapacity is removed, and in case of his decease without having given the notice, and without having been for ten days at any time after his injury of sufficient capacity to give the notice, his executor or administrator may give such notice within thirty days after his appointment."

Notices of injuries received upon highways to be made in writing, etc.

Proviso.

SECTION 2. Chapter two hundred and forty-four of the acts of the year eighteen hundred and seventy-nine is hereby repealed. Repeal.

SECTION 3. This act shall take effect upon its passage.
Approved May 6, 1881.

AN ACT RELATING TO THE BONDS OF GUARDIANS OF NEGLECTED
AND DESTITUTE CHILDREN. Chap. 237

Be it enacted, etc., as follows:

SECTION 1. In the appointment of guardians of neglected or destitute children, under the authority of chapter three hundred and sixty-seven of the acts of the year eighteen hundred and seventy-three, and the acts in addition thereto and amendment thereof, the probate court may in its discretion exempt the guardian from furnishing sureties upon his official bond; but such guardian may at any time afterward be required by the court to furnish sureties if the protection of his ward's interests render it necessary.

Guardians of neglected children may be exempted from giving sureties upon official bonds.

SECTION 2. This act shall take effect upon its passage.
Approved May 6, 1881.

Chap. 238 **AN ACT TO ABATE A NUISANCE IN THE CITY OF BOSTON, AND FOR THE PRESERVATION OF THE PUBLIC HEALTH IN SAID CITY.**

Be it enacted, etc., as follows :

Owners may be ordered to fill the flats of Prison Point Bay.

SECTION 1. The board of health of the city of Boston may order the owners of the flats and basin, and of the creek connected therewith, of Prison Point Bay, so called, situated in that part of Boston called Charlestown, and lying north of the Fitchburg Railroad and the old state prison grounds, west of Canal Street, south of Cambridge Street, and north and east of the boundary line between Boston and Somerville, to fill up their said flats, basin and creek with good earth, or other suitable material, to a grade not less than ten feet above mean low water, in order to secure the abatement of the existing nuisance therein, and for the preservation of the public health of said city; and may also direct in such orders within what time any specific portion thereof shall be filled.

Orders to be in writing.

SECTION 2. Such orders shall be made in writing, and served upon such owners or occupants in the manner prescribed in section nine of chapter twenty-six of the General Statutes for the service of orders of boards of health.

City of Boston to fill up flats, if owners fail to comply.

SECTION 3. If any owner of the territory, or of any interest in any part thereof, described in the first section of this act, fails to begin to comply with any such order within three months after service thereof upon him, or fails after such beginning to comply diligently with such order, or at the expiration of one year after the service thereof has failed to comply fully with such order, the city of Boston shall fill up the said territory with good earth or other suitable material, to a grade ten feet above mean low water; and all expenses incurred thereby shall constitute a lien upon the several parcels of said territory and the land made by said filling, and upon all buildings thereon, which may be assessed by the board of aldermen of said city of Boston, and the assessment so made, with the charges for cost and interest, may be enforced and collected by the city collector of said city; and said collector may purchase such land and buildings in behalf of said city as provided by law for the collection of taxes upon real estate, and in case of land sold for taxes.

Expenses incurred, to be a lien upon the several parcels of territory.

Assessment may be apportioned and paid in three equal annual payments, upon request of owner.

SECTION 4. If the owner or owners of any land so assessed for such expenses desire to have the amount of said assessment apportioned, he or they shall give notice thereof, in writing, to the board of aldermen of said city, at any time before a demand is made upon him or them for

the payment thereof; and said board shall thereupon apportion said amount into three equal parts, which apportionment shall be certified to the assessors of said city; and the said assessors shall add one of said equal parts, with six per cent. interest thereon, to the annual tax of said land each year, for the three years next ensuing.

SECTION 5. If the owner or owners of any parcel of land, the grade of which is raised under the third section of this act, is dissatisfied with the assessment of the expenses of raising the grade of his or their land, he or they may, within twelve months after receiving notice of such assessment, apply for a jury, by petition to the superior court for the county of Suffolk, and have the expenses assessed in the same manner as betterments for the laying out of streets and highways in the county of Suffolk may be assessed.

Owner dissatisfied with assessment may apply to superior court for a jury.

SECTION 6. If the jury do not reduce the amount of the assessment complained of, the respondent shall recover costs against the petitioner, which costs shall be a lien upon the estate and be collected in the same manner as the assessment; but if the jury reduce the amount of the assessment the petitioner shall recover costs; and all assessments shall be a lien on the estate for one year after the final judgment in any suit or proceeding where the amount or validity of the same is in question, and shall be collected in the same manner as original assessments.

Recovery of costs.

SECTION 7. Said city may construct and maintain such sewers in the territory mentioned in section one of this act as it deems the public health and convenience require; and shall make suitable provision for carrying off all the surface water naturally flowing into the territory authorized to be filled by this act, and also for all water flowing into the same through all creeks or other natural water courses.

City may construct and maintain sewers.

SECTION 8. The said city of Boston may lay, or permit to be laid, railway tracks through or across its streets, and maintain or permit them to be maintained so long as may be necessary for transporting earth and other material to fill up the territory, as herein provided.

May permit railway tracks to be laid.

SECTION 9. All filling and grading done under this act shall be done within two years from the passage hereof.

Filling, etc., to be done within two years.

SECTION 10. This act shall take effect upon its passage.

Approved May 6, 1881.

Chap. 239 AN ACT TO INCORPORATE THE OCEAN TERMINAL RAILROAD DOCK AND ELEVATOR COMPANY.

Be it enacted, etc., as follows :

Corporators.	SECTION 1. Joseph E. Bartlett, Amos Stone, George H. Jacobs, George W. Ireland, William P. Blake, Charles Collier, David N. Skillings, Franklin O. Reed and William B. Long, their associates and successors, are hereby made a
Name.	corporation by the name of the Ocean Terminal Railroad Dock and Elevator Company, to be established in the city of Boston, with all the powers and privileges and subject to all the duties, restrictions and liabilities set forth in all general laws which now are or hereafter may be in force relating to all similar corporations organized under the general laws of this Commonwealth, except so far as otherwise especially provided by this act.
Powers and duties.	
May construct elevators and warehouses.	SECTION 2. Said corporation is hereby authorized to construct and maintain elevators, warehouses and other buildings and structures suitable for terminal facilities for the reception, storing, delivering and forwarding of freight, also to transact all such business as is usually performed by persons or corporations engaged in receiving, storing or forwarding freight at the seaboard, and for that purpose may be appointed public warehouseman pursuant to the laws of the Commonwealth, but shall not be authorized to carry on the business of buying and selling merchandise.
May be appointed public warehouseman.	
May lay tracks to be operated by steam power.	SECTION 3. Said corporation may lay and maintain railroad tracks, to be operated by steam power, upon any of its wharves or terminal grounds, and may connect the same with the tracks of any railroad extending to said terminal grounds and wharves. It shall be the duty of each railroad corporation whose railroad shall be connected with the tracks of this corporation, as aforesaid, either directly or over any intervening road or roads, to receive and deliver freight cars at each of said connections, and to draw the same over its road at rates to be established according to the provisions of the general railroad act, and any amendment thereof or addition thereto, regulating the use and operation of connecting railroads. In making such connections this corporation shall have all the powers and be subject to all the duties, so far as applicable thereto, set forth in said act and amendments and additions thereto in respect to connecting railroads.
Reception and delivery of freight cars.	
May purchase property and franchises of the Mystic River Corporation, and of the	SECTION 4. Said corporation, for the purposes set forth in this act, may purchase and hold all or any part of the lands, wharves, property, rights, privileges and franchises of the Mystic River Corporation, and of the Ocean Ter-

minal Railroad Company, upon such terms and conditions as shall, at any time within one year from the passage of this act, be agreed upon by the directors of each of said corporations, and approved by a majority in interest of the stockholders respectively of said corporations, and of the Ocean Terminal Railroad Dock and Elevator Company, present and voting at meetings duly called for that purpose; and the said Mystic River Corporation, and the said Ocean Terminal Railroad Company, are hereby severally authorized to sell, convey and transfer to the Ocean Terminal Railroad Dock and Elevator Company, all or any part of their respective lands, wharves, property, rights, privileges and franchises. Said Ocean Terminal Railroad Dock and Elevator Company, shall be subject to all the duties, restrictions and liabilities to which said corporations, or either of them, at the time of said purchase are subject so far as relates to the lands, wharves, property, rights, privileges and franchises so transferred.

Ocean Terminal
Railroad
Company.

SECTION 5. The capital stock of said corporation shall not be less than five hundred thousand dollars nor more than two million dollars, to be fixed and increased as may be necessary from time to time by vote of the corporation, and shall be divided into shares of the par value of one hundred dollars each; but said corporation shall not begin the transaction of business until the whole amount of the capital stock as then fixed shall have been paid in, in cash, agreeably to the general laws relative to corporations organized under the laws of the Commonwealth, and a certificate thereof filed in the office of the secretary of the Commonwealth as required by section thirty-two of chapter two hundred and twenty-four of the acts of the year eighteen hundred and seventy.

Capital stock
and shares.

SECTION 6. Any railroad corporation, within or without the Commonwealth, owning a railroad the tracks of which connect, either directly, or over intervening tracks, with the tracks of this corporation; any steamship company engaged in the carriage of freight between the port of Boston and any foreign port; and any incorporated land transportation company, may subscribe for and hold stock in the said Ocean Terminal Railroad Dock and Elevator Company, and in such case may, by its president or by any agent appointed by its board of directors for that purpose, be represented and vote at all meetings of said Ocean Terminal Railroad Dock and Elevator Company.

Business not to
be commenced
until whole
capital has been
paid in.

Stock may be
taken by con-
necting rail-
roads, steam-
ship companies
carrying foreign
freight, and in-
corporated land
transportation
companies.

SECTION 7. Said corporation may lease the whole or

May lease
premises.

any part of its premises to be used for the purposes authorized by this act.

May issue bonds and secure by mortgage.

SECTION 8. Said corporation may issue its bonds and secure them by mortgage of its property and franchise to an amount not exceeding three-fourths of its capital stock then paid in.

SECTION 9. This act shall take effect upon its passage.

Approved May 6, 1881.

Chap. 240 AN ACT CONCERNING ALEWIFE BROOK AND CERTAIN SEWERS IN CAMBRIDGE AND SOMERVILLE.

Be it enacted, etc., as follows:

City of Cambridge to construct a sewer and discharge certain sewage in a sewer in Somerville.

SECTION 1. The city of Cambridge shall construct an intercepting sewer of sufficient capacity, and by means thereof shall conduct the sewage of the Concord Avenue, Spruce Street, and North Avenue sewers in said city, and of any sewer at any time discharging into either of said sewers or into said intercepting sewer, to some convenient spot upon the poor farm in said city; shall there construct a storage basin for the temporary deposit of such sewage and by means of pumps or otherwise shall raise such sewage to a sufficient height to discharge the same by means of a connecting sewer at a convenient point in the sewer in Newbury Street, in the city of Somerville; shall construct such connecting sewer and shall so discharge the said sewage for the term of five years from the first day of September next, the connection with the said Somerville sewer to be made on or before said first day of September: *provided*, that during repairs upon any Somerville sewer into which the Cambridge sewage shall be so discharged, pumping shall be discontinued if the city engineer of Somerville shall so request of the city of Cambridge; and shall also be discontinued during any sudden and violent shower, storm, or unusually high tide, if reasonably necessary, but the city of Cambridge may during any such discontinuance discharge its sewage into Alewife Brook; *provided, however*, that if this method of disposing of said sewage be adjudged impracticable as hereinafter provided, then the obligation imposed by this section shall be void, and *provided, further*, that whenever the city of Cambridge shall adopt and carry into active operation any other method of disposing of the sewage of its sewers above named and sewers at any time discharging therein than by a discharge into Alewife Brook, the obligation imposed by this section shall be void.

Proviso.

City council of Cambridge may

SECTION 2. For the purposes named in the preceding

section, the city council of Cambridge shall have the same right to take private land in Somerville as it now has to take land for sewers in Cambridge, and all the proceedings of such taking shall be conducted in the same manner as though such land were in Cambridge, and all persons and corporations suffering damage in their property by reason of such taking shall have the same rights and remedies for ascertaining and recovering the amount of such damage as in the case of land taken for sewers in Cambridge.

take land in
Somerville.

SECTION 3. If at any time after the construction of the works required by the first section hereof and actual trial thereof, that method of disposing of said sewage be deemed by the state board of health, lunacy and charity, after such notice and hearing as said board may order, impracticable without great and unreasonable expense, then the obligation imposed by the first section hereof shall be void.

If method of
disposing of
sewage is
deemed imprac-
ticable by state
board of health,
etc., obligation
to be void.

SECTION 4. After the expiration of five years from the first day of September next the city of Cambridge may at its option continue or discontinue the works prescribed in the first section hereof; said continuance, however, to be for a term of five years and no more, except with the consent of the city of Somerville, and subject to the same conditions as the original term.

To be discon-
tinued after five
years, except
with consent of
Somerville.

SECTION 5. So long as the city of Cambridge discharges its sewage into the sewer of Somerville in the manner herein before prescribed, it shall pay annually to the city of Somerville upon the first day of September, the first payment to be made on the first day of September A.D. eighteen hundred and eighty-two, the sum of one thousand dollars, and in the same ratio for any part of a year, and during the same period shall dispose of the sewage and storm water of the city of Somerville emptying into any sewer of Cambridge under the provisions of this act, in the same manner that it disposes of its own sewage and storm water in the same sewers, and without any cost or charge to the city of Somerville.

Cambridge to
pay Somerville
\$1,000 annually.

SECTION 6. The city of Somerville for the purposes of draining the following described territory situated in Somerville, namely:—Commencing at a point on the boundary line between Cambridge and Somerville, distant one hundred sixty-eight feet southeasterly from a stone bound marking said boundary line and numbered twenty-two; thence running southeastwardly by said boundary line to the southeasterly line of Meacham Street; thence turning and running northeastwardly by said southeasterly line of Meacham Street to the Middlesex Central Railroad;

Description of
territory in
Somerville to be
drained by con-
necting with
sewers in Cam-
bridge.

thence continuing in the same direction and crossing said railroad to a point one hundred feet southwesterly from the southwesterly line of Holland Street; thence turning and running northwestwardly by a line parallel with said southwesterly line of Holland Street and one hundred feet distant therefrom to the southeasterly line of Elmwood Street; thence turning and running southwestwardly by said southeasterly line of Elmwood Street to a point in line with the prolongation of the southwesterly line of Mead Street; thence turning and running northwestwardly by said southwesterly line of Mead Street prolonged, crossing Elmwood Street and Cameron Avenue, and by the said southwesterly line of Mead Street to the northwesterly line of Moore Street; thence in the same direction crossing Newbury Street and Clarendon Avenue to the land owned by the city of Cambridge; thence southwestwardly by said land of the city of Cambridge to the point of beginning, — may connect any sewer upon such territory with any sewer in Cambridge, and for that purpose the city council of Somerville shall have the same right to take private land in Cambridge as it now has to take land for sewers in Somerville, and all the proceedings of such taking shall be conducted in the same manner as though such land were in Somerville, and all persons or corporations suffering damage in their property by reason of such taking shall have the same rights and remedies for ascertaining and recovering the amount of such damage as in the case of land taken for sewers in Somerville.

City council of
Somerville may
take land in
Cambridge.

Each city may
enter upon and
dig up streets,
etc.

SECTION 7. Each of said cities may for the purposes of this act carry its pipes and drains under any street, railroad, highway or other way in such manner as not to unnecessarily obstruct the same, and may enter upon and dig up such street, railroad, highway or other way for the purpose of laying, maintaining and repairing any such pipes and drains, and may do any other things necessary or proper in executing the purposes of this act; but, whenever either of said cities enters upon or digs up for such purposes any road, street or way which is outside its own territorial limits, it shall be subject to such reasonable regulations as may be prescribed by the mayor and aldermen of the city wherein such street or way may be located, and shall restore said road, street or way to as good order and condition as it was in before such digging was commenced; shall perform the work in such manner and with such care as not to render any road, street or way in which such pipes are laid unsafe, or unnecessarily incon-

venient to the public travel thereon; and shall at all times indemnify and save harmless any city which is liable to keep in repair any road, street or way aforesaid, against all damages which may be recovered against it, and shall reimburse to it all expense which it shall reasonably incur by reason of any defect or want of repair in such road, street or way caused by the maintenance, repair or replacing of said pipes, or by reason of any injury to persons or property caused by any defect or want of repair in any such pipes: *provided*, that such city has notice of any claim or suit for such damage or injury, and an opportunity to assume the defence thereof. Either city shall have the right to use without compensation any sewer built under this act within its own territorial limits.

Liability for damages.

SECTION 8. Whenever the city of Cambridge lawfully ceases to discharge sewage into the sewer of the city of Somerville in the manner prescribed by the first section hereof, the city of Somerville shall cease to discharge its sewers into the sewers of the city of Cambridge as provided in the sixth section hereof.

Proviso.

When Cambridge ceases to discharge sewage, Somerville shall cease.

SECTION 9. No person or corporation public or private shall after the first day of September next discharge or cause to be discharged either directly or indirectly into Alewife Brook any drainage, refuse or polluting matter of such quality and quantity, as either by itself or in connection with other matter shall corrupt the waters of said brook, or tend to make the brook a nuisance deleterious to public health: *provided, however*, that this prohibition shall not extend to the sewage from the sewers named in the first section hereof, nor to sewage from lands now emptying sewage into said brook, in case the method therein prescribed for disposing of the same be deemed impracticable as aforesaid by the state board of health, lunacy and charity; but this proviso shall not be construed to give to the city of Cambridge, or any person or corporation, any right in addition to what it has at the date of the passage of this act, if any, to drain into said brook.

Sewage not to be discharged into brook after Sept. 1, 1881.

Proviso.

SECTION 10. Nothing herein contained shall be construed to prevent the city of Cambridge from discharging the storm water of its sewers, including those named in the first section hereof, into said brook, nor to destroy or impair prescriptive rights of drainage or discharge to the extent to which they lawfully exist at the date of the passage of this act; and nothing in this act contained shall be construed to authorize the pollution of the waters of said brook in any manner now contrary to law.

Not prohibited from discharging storm waters into brook.

Drainage into
Alewife Brook
may be made
in sewers in
Cambridge.

SECTION 11. The mayor and aldermen of Cambridge may permit any person owning lands in Cambridge now draining into Alewife Brook to drain such lands, or any part thereof, into either of the sewers in Cambridge named in the first section hereof, upon such terms and conditions as they may prescribe. If, within seven days after application to them, the mayor and aldermen do not grant to any such person permission thus to drain, or if such person be dissatisfied with the terms and conditions prescribed by the mayor and aldermen, he may appeal to the state board of health, lunacy and charity, which board, after such notice as it may order, and a hearing, shall decide whether such person may enter either of the sewers, and what sum, either in gross or at stated periods, he shall pay to Cambridge therefor, and what other terms and conditions, if any, shall be imposed upon said entry, which decision shall be final and binding upon all parties.

Pollution of
water to be pre-
vented by the
state board of
health, etc.

SECTION 12. Whenever a violation of any of the provisions of this act affecting the public health or the water supply of any city is committed, the state board of health, lunacy and charity may, if in its judgment the public health requires, order any person or corporation public or private to cease and desist from such violation, and to remedy the pollution or to cleanse or purify the polluting substances in such a manner and to such a degree that they shall be no longer deleterious to the public health before being cast or allowed to flow into said brook: *provided*, that before making such order the said board shall assign a time and place for hearing all parties interested and shall give such parties an opportunity of being heard, and the order herein before provided shall not be issued until after such notice and hearing; and *provided, also*, that upon the application of any city to said board alleging the violation of any of the provisions of this act and the pollution of its water supply thereby, said board shall grant a hearing upon due notification to all parties interested, and upon proof of such violation shall issue the order or orders already mentioned in this act.

Proviso.

Proviso.

S. J. Court may
enforce orders.

SECTION 13. The supreme judicial court or any one of its justices in term time or vacation shall have power to issue an injunction to enforce any such order.

Order to be in
writing.

SECTION 14. Every such order of the board of health, lunacy and charity shall be made in writing and served by any person competent to serve a notice in a civil suit personally upon the person found guilty of violation as aforesaid, or his authorized agent, or a copy of the order

may be left at the last and usual place of abode of such person or his agent, if he has any such place of abode within the state known to the officer. If the residence of the owner or agent is unknown to the officer, or without the state, the order may be served by publication in one or more newspapers in such manner and for such time as said board may order. Any party aggrieved by any such order shall have the right of appeal to a jury and be subject to the fifty-sixth and fifty-eighth sections of the twenty-sixth chapter of the General Statutes, and the two hundred and sixty-third chapter of the laws of the year eighteen hundred and sixty-five. During the pendency of the appeal the pollution against which the order has issued shall not be continued contrary to the order, and upon any violation of the same the appeal shall be forthwith dismissed.

Service of
order.

Right of appeal
to a jury.

SECTION 15. Nothing herein before contained shall be construed to exclude the jurisdiction of the supreme judicial court sitting in equity according to the usual course and practice of such court.

Jurisdiction of
S. J. C. in
equity.

SECTION 16. This act shall be void unless accepted by the city council of each of said cities within thirty days from the date of the passage hereof.

Subject to
acceptance.

Approved May 6, 1881.

AN ACT TO INCORPORATE THE FORBES LIBRARY IN NORTHAMPTON.
Be it enacted, etc., as follows:

Chap. 241

SECTION 1. George W. Hubbard and Oscar Edwards, appointed by the probate court trustees for the time being under the will of the late Charles E. Forbes of Northampton, are hereby made a corporation by the name of the "Trustees of the Forbes Library," and said trustees their associates and successors in office shall continue a body corporate for the purposes hereinafter set forth, with all the powers and privileges and subject to all the duties, restrictions and liabilities in the general laws relating to such corporations. And the said Hubbard and Edwards shall hold office as such incorporated trustees until their substitutes and successors are elected in the manner hereinafter provided and shall assume their offices.

Trustees of the
Forbes Library
incorporated.

SECTION 2. The said corporation shall have authority to take and hold real and personal estate to an amount not exceeding eight hundred thousand dollars, including all the real and personal estate and the proceeds thereof bequeathed and devised by said Forbes for the establishment and maintenance of a library in said Northampton, and any and all real and personal estate which may be

Real and per-
sonal estate not
to exceed
\$800,000.

otherwise given, granted, bequeathed and devised to said corporation or to said town of Northampton for the use and benefit of said library.

Town may elect a trustee or trustees, upon acceptance of act.

SECTION 3. The legal voters of the town of Northampton may, at any annual or special town meeting called for the purpose after the passage of this act, vote to accept the same, as also the provisions and bequests of said will upon the terms and conditions prescribed therein; and at the same or any future meeting within the time limited by said will, articles being inserted in the warrant for that purpose, it shall be lawful for the town to determine by vote whether, in the exercise of the option authorized by said will, it will elect one or three trustees to have the superintendence and management of the affairs of said corporation; and when said option is determined it may, at the same or a future meeting, proceed to the election, by ballot, of a single trustee, or of three trustees, according as the town shall have predetermined by its vote; and upon the election of said trustee or trustees the same shall hold office until his or their successors shall have been respectively elected and qualified as hereinafter provided, or until a vacancy in office shall occur through the resignation, death or removal from office of any trustee; and the said town, at the same meeting when this act is accepted or at a future meeting within the time limited by said will, an article being in the warrant for that purpose, may determine whether it will direct the trustees holding office by appointment of the probate court to permit the whole sum appropriated by said will for library purposes to accumulate for a term not exceeding ten years, and for what term, as authorized by said will, in order to increase the amount available as a building fund; also, at the same or any future meeting, the said town may determine and direct as to any other matter or thing which it is competent for the town to determine, direct and do, under an article in the warrant therefor, by way of carrying into effect the provisions of said will, and in anticipation of the time when the trustees appointed by the probate court shall convey to the trustee or trustees elected by the town, the real, personal and mixed estate held by the former for the uses and purposes of said library.

To determine for what term of years the bequest shall accumulate.

Name of corporation if but one trustee is elected.

SECTION 4. If said town, in the exercise of its option before referred to, shall elect to have but one trustee, the name of said corporation shall be "The Trustee of the Forbes Library"; and whether the town shall elect one

or three trustees, no trustee shall receive any pecuniary compensation for his services.

SECTION 5. If said town shall elect one trustee only to have the superintendence and management of the affairs of said corporation, said trustee shall hold office for the term of three years from the first Wednesday in May next after said trustee shall have been elected, and once in three years thereafter at the annual town meeting holden next before his term expires, his successor shall be chosen in his stead. If however said town shall in its option determine to elect three trustees, said trustees shall be elected, one to serve for the term of three years from the first Wednesday in May next after said election, one other for two years, and the third for one year from the same date; and annually, at the annual town meeting in each year after said first election, a trustee shall be elected for three years to succeed the trustee whose term is then next to expire.

Trustees to
serve for three
years.

SECTION 6. In case a vacancy shall occur in the office of any trustee chosen by the town, whether occasioned by resignation, death, removal from office, or from any other cause, the town may at any meeting called for the purpose choose another trustee who shall hold office for the residue of the unexpired term.

Vacancy in
office of trustee.

SECTION 7. The said town of Northampton is hereby further authorized at any annual or special meeting legally notified and warned, to elect a secretary and treasurer of said corporation, and all other agents and employés therein, and to remove the same at their pleasure; to fix the compensation of each; to establish all necessary rules and regulations for the library, and generally to control all the affairs of the corporation; but in the absence of action on the part of the town the trustee, or a majority of the trustees elected by the town in accordance with the provisions of this act, being first duly sworn to a faithful discharge of the duties of their office, shall have the general superintendence and management of the affairs of the corporation, shall appoint the librarian and other employés in the library, and fix the compensation of each, and shall have power to remove any one of them for sufficient cause; they shall also have power to remove the treasurer whenever in their judgment the safety of the corporation funds requires his removal, and may appoint a treasurer *pro tempore* to continue in office until the town have opportunity to act upon the subject. They shall further do all things enjoined upon them by said will, and generally shall have

Town to elect
secretary, treasurer,
etc., and
fix their compensation.

all the powers of the town, had the town chosen to exercise them, except the election of trustees, and of the secretary and treasurer of the corporation; and the secretary and treasurer of said corporation, elected as herein before provided, shall each take the oath prescribed in said will, and said treasurer shall give bonds as therein required, and they shall respectively perform all the duties enjoined upon them by said will.

Secretary and treasurer to be sworn.

Treasurer to give bonds.

Subject to acceptance by the town.

SECTION 8. This act shall take effect upon its acceptance by the town of Northampton at a town meeting duly called, and by a vote duly passed and recorded.

Approved May 6, 1881.

Chap. 242 AN ACT TO AUTHORIZE THE SALE OF PUBLIC BUILDINGS IN ADAMS, AND FOR OTHER PURPOSES.

Be it enacted, etc., as follows:

County commissioners may sell county property in Adams.

SECTION 1. The county commissioners of the county of Berkshire are hereby authorized, in their discretion, to sell and convey the property and estate belonging to said county and situated in the town of Adams, and use the avails thereof in providing, either alone or in connection with the inhabitants of said town, suitable accommodations therein for the wants of said county, including places for the registry of deeds for the northern district of said county, and for holding probate court and the district court of northern Berkshire. And they are also authorized to borrow on the credit of said county and to use for the purposes aforesaid, a sum of money not to exceed ten thousand dollars.

May borrow money.

Town of Adams may unite with county in erection of building.

SECTION 2. The inhabitants of said town of Adams are hereby authorized to unite, upon such terms as they may think fit, with the county of Berkshire in the erection of a building which shall embrace suitable provisions for a town hall, for the needs of said town and its officers, and such other accommodations for the needs of said county as the county commissioners may judge to be sufficient; or said inhabitants may erect said building at their own expense, and lease such portions of the same as may be agreed on by said county, for the uses thereof.

May purchase additional land.

SECTION 3. The inhabitants of said town of Adams are hereby authorized, in case the lands now owned and held by said town are not deemed sufficient or suitable for the purposes contemplated by this act, to purchase and hold other or additional lands for the erection of said building, the whole not to exceed the quantity reasonably necessary for the purposes aforesaid.

SECTION 4. This act shall take effect upon its passage.
Approved May 6, 1881.

AN ACT IN ADDITION TO AN ACT MAKING APPROPRIATIONS FOR
 EXPENSES AUTHORIZED THE PRESENT YEAR, AND FOR OTHER
 PURPOSES.

Chap. 243

Be it enacted, etc., as follows:

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the Commonwealth, from the ordinary revenue, unless otherwise ordered, for purposes specified in certain acts and resolves of the present year, and for other purposes, to wit:—

Appropriations.

In the act chapter one hundred and seventy-nine, to provide for the assistance of discharged female convicts, the sum of three thousand dollars.

Discharged female convicts.

In the resolve chapter thirty-four, providing for certain expenses connected with the removal of the state normal art school, the sum of two thousand nine hundred seventy-eight dollars and twenty-five cents.

Normal art school.

In the resolve chapter thirty-five, in favor of the trustees of the state lunatic hospital at Danvers, the sum of twenty thousand dollars.

Lunatic hospital at Danvers.

In the resolve chapter thirty-six, in favor of the town of Rowe, the sum of one hundred and sixty-nine dollars and fifty cents.

Town of Rowe.

In the resolve chapter thirty-seven, in favor of the state workhouse at Bridgewater, the sum of four thousand five hundred dollars.

State workhouse.

In the resolve chapter thirty-eight, relating to the war records in the department of the adjutant-general, the sum of four thousand dollars.

War records.

In the resolve chapter forty-one, in favor of the Massachusetts Charitable Eye and Ear Infirmary, the sum of ten thousand dollars.

Eye and Ear Infirmary.

In the resolve chapter forty-two, in favor of the town of Florida, the sum of five hundred and ninety-two dollars and fifty-five cents.

Town of Florida.

In the resolve chapter forty-three, relative to industrial conciliation and arbitration, for printing and binding, in accordance with the provisions of the resolve, a sum not exceeding six hundred dollars.

Industrial conciliation and arbitration.

For indexing senate journals in accordance with an order of the senate, a sum not exceeding five hundred dollars.

Senate journals.

In the act chapter one hundred and sixty-three, to secure a more equal apportionment of the state and county

Apportionment of state and county taxes.

taxes upon the several cities and towns, for additional clerical assistance, and for necessary expenses in connection with the same, a sum not exceeding five thousand dollars.

Deputy tax
commissioner.

In the act chapter one hundred and seventy-five, relative to extra clerical assistance in the office of the deputy tax commissioner and commissioner of corporations, the sum of one thousand dollars.

State
almshouse.

In the resolve chapter forty-four, in favor of the state almshouse at Tewksbury, the sum of eight thousand nine hundred and thirty-four dollars.

Organ at state
prison.

In the resolve chapter forty-five, relating to the purchase of an organ for the state prison at Concord, the sum of two thousand dollars.

Town of
Westfield.

In the resolve chapter forty-six, granting aid to the town of Westfield, the sum of five thousand dollars.

Towns of
Florida, Rowe
and Charlemont.

In the resolve chapter forty-seven, in favor of the towns of Florida, Rowe and Charlemont, the following sums to wit:—to the town of Florida, the sum of five thousand five hundred dollars; to the town of Rowe, the sum of two thousand dollars; to the town of Charlemont, the sum of one thousand five hundred dollars.

SECTION 2. This act shall take effect upon its passage.
Approved May 7, 1881.

Chap. 244 AN ACT REPEALING AN ACT TO AUTHORIZE THE CONSTRUCTION OF A BRIDGE OVER GREEN HARBOR RIVER, IN MARSHFIELD.

Be it enacted, etc., as follows:

Repeal of 1870,
26.

SECTION 1. Chapter twenty-six of the acts of the year eighteen hundred and seventy is hereby repealed.

SECTION 2. This act shall take effect upon its passage.
Approved May 7, 1881.

Chap. 245 AN ACT TO ESTABLISH THE SALARIES OF CERTAIN STANDING JUSTICES OF THE DISTRICT COURTS IN THE COUNTY OF WORCESTER.

Be it enacted, etc., as follows:

Salaries
established.

SECTION 1. The salary of the standing justice of the second district court of southern Worcester shall be twelve hundred dollars per year; the salary of the standing justice of the first district court of southern Worcester shall be twelve hundred dollars per year; the salary of the standing justice of the first district court of eastern Worcester shall be eight hundred dollars per year.

Repeal.

SECTION 2. So much of section two of chapter two hundred and thirty-three of the acts of the year eighteen

hundred and seventy-nine as is inconsistent with this act is hereby repealed.

SECTION 3. This act shall take effect upon its passage.
Approved May 7, 1881.

AN ACT TO ESTABLISH THE SALARY OF THE STANDING JUSTICE *Chap. 246*
OF THE POLICE COURT IN LEE.

Be it enacted, etc., as follows:

SECTION 1. The standing justice of the police court of Lee shall receive a salary of eight hundred dollars a year. Salary established.

SECTION 2. So much of section one of chapter two hundred and nineteen of the acts of the year eighteen hundred and seventy-nine as is inconsistent with this act is repealed. Repeal.

SECTION 3. This act shall take effect upon its passage.
Approved May 7, 1881.

AN ACT TO ESTABLISH THE SALARY OF THE CLERK OF THE *Chap. 247*
FIRST DISTRICT COURT OF PLYMOUTH COUNTY.

Be it enacted, etc., as follows:

SECTION 1. The clerk of the first district court of Plymouth county shall receive a salary of five hundred dollars a year. Salary established.

SECTION 2. So much of section two of chapter two hundred and forty-eight of the acts of the year eighteen hundred and seventy-nine as is inconsistent with this act is repealed. Repeal.

SECTION 3. This act shall take effect upon its passage.
Approved May 7, 1881.

AN ACT TO ESTABLISH THE SALARY OF THE CLERK OF THE FIRST *Chap. 248*
DISTRICT COURT OF BRISTOL.

Be it enacted, etc., as follows:

SECTION 1. The clerk of the first district court of Bristol shall receive a salary of one thousand dollars a year. Salary established.

SECTION 2. So much of section one of chapter two hundred and one of the acts of the year eighteen hundred and seventy-nine as is inconsistent with this act is hereby repealed. Repeal.

SECTION 3. This act shall take effect upon its passage.
Approved May 7, 1881.

Chap. 249 AN ACT TO ESTABLISH THE SALARY OF THE ASSISTANT CLERK OF THE MUNICIPAL COURT OF THE ROXBURY DISTRICT IN THE CITY OF BOSTON.

Be it enacted, etc., as follows:

Salary
established.

SECTION 1. The salary of the assistant clerk of the municipal court of the Roxbury district in the city of Boston shall be eight hundred dollars per year.

Repeal.

SECTION 2. So much of section three of chapter two hundred and sixty-five of the acts of the year eighteen hundred and seventy-nine as is inconsistent with this act is hereby repealed.

SECTION 3. This act shall take effect upon its passage.
Approved May 7, 1881.

Chap. 250 AN ACT TO ESTABLISH THE SALARY OF THE CLERK OF THE MUNICIPAL COURT OF THE EAST BOSTON DISTRICT, IN THE CITY OF BOSTON.

Be it enacted, etc., as follows:

Salary
established.

SECTION 1. The clerk of the municipal court of the East Boston district in the city of Boston shall receive a salary of one thousand dollars a year.

Repeal.

SECTION 2. So much of section five of chapter two hundred and sixty-five of the acts of the year eighteen hundred and seventy-nine as is inconsistent with this act is hereby repealed.

SECTION 3. This act shall take effect upon its passage.
Approved May 7, 1881.

Chap. 251 AN ACT TO ESTABLISH THE SALARIES OF THE STANDING JUSTICE AND CLERK OF THE POLICE COURT IN THE CITY OF NEWTON.

Be it enacted, etc., as follows:

Salaries
established.

SECTION 1. The standing justice of the police court of Newton shall receive a salary of one thousand dollars per year; the clerk of the police court of Newton shall receive a salary of five hundred dollars per year.

Repeal.

SECTION 2. So much of section four of chapter two hundred and forty-seven of the acts of the year eighteen hundred and seventy-nine as is inconsistent with this act is repealed.

SECTION 3. This act shall take effect upon its passage.
Approved May 7, 1881.

AN ACT TO FIX THE COMPENSATION OF THE SECOND ASSISTANT CLERK OF THE SUPERIOR COURT FOR CIVIL BUSINESS IN THE COUNTY OF SUFFOLK.

Chap. 252

Be it enacted, etc., as follows :

The second assistant clerk of the superior court for civil business in the county of Suffolk shall receive an annual salary of two thousand dollars, payable quarterly from the treasury of said county.

Salary
established.

Approved May 7, 1881.

AN ACT TO ESTABLISH THE SALARY OF THE JUDGE OF PROBATE AND INSOLVENCY FOR THE COUNTY OF HAMPDEN.

Chap. 253

Be it enacted, etc., as follows :

The judge of probate and insolvency for the county of Hampden, from and after the first day of January in the year eighteen hundred and eighty-one, shall receive an annual salary of two thousand dollars.

Salary
established.

Approved May 7, 1881.

AN ACT ESTABLISHING THE SALARIES OF THE EXTRA CLERKS IN THE AUDITOR'S AND TREASURER'S DEPARTMENTS.

Chap. 254

Be it enacted, etc., as follows :

SECTION 1. The salaries of the two extra clerks in the office of the auditor of the Commonwealth, and of the two extra clerks in the office of the treasurer and receiver-general, shall be twelve hundred dollars each per annum.

Salaries
established.

SECTION 2. So much of section two chapter eighty of the acts of the year eighteen hundred and seventy-nine as is inconsistent with this act, and section three of chapter eighty-one of the acts of the year eighteen hundred and seventy-nine, are repealed.

Repeal.

SECTION 3. This act shall take effect upon its passage.

Approved May 7, 1881.

AN ACT RELATIVE TO ADVERTISING APPLICATIONS FOR LICENSES TO SELL INTOXICATING LIQUORS, AND RESTRICTING THE GRANTING OF SUCH LICENSES.

Chap. 255

Be it enacted, etc., as follows :

SECTION 1. Notice of all applications for licenses to sell intoxicating liquors under the provisions of chapter ninety-nine of the acts of the year eighteen hundred and seventy-five, or any acts in addition thereto or in amendment thereof, shall hereafter be published in the following manner, namely: In the city of Boston the police commissioners shall publish a notice of such applications in at least two daily newspapers printed in said city; and in

Notice of appli-
cation for li-
censes to be
published in
newspapers.

To contain
name of appli-
cant, class of
license, and a
particular
description of
the premises.

Cost of publica-
tion to be borne
by applicant.

If owner of
adjoining estate
objects, license
shall not be
granted.

other cities and towns of this Commonwealth, the mayor and aldermen of cities and the selectmen of towns, or other board authorized to grant licenses, shall publish a notice of the applications in their respective cities and towns in such newspapers printed therein, and published not less frequently than once a week, as they may designate; or if no such newspaper is printed therein, then the licensing board shall publish said notice by posting the same in some conspicuous place on the premises described in the application for the license, and in two or more places in the neighborhood where public notices are usually posted. Said notice shall set forth the name of the applicant in full and the character or class of the license applied for; and shall describe particularly the premises on which the license is to be exercised, designating the building or part of a building to be used, and, where practicable, the street and number. Notice of each and every applicant for a license as aforesaid shall be published at least ten days before the licensing board shall take action thereon; and in case a license is granted to any person or persons to sell intoxicating liquors without previous publication of the application for such license, any citizen of the city or town within which such license is issued may make complaint before the municipal, police, or district court, or the trial justice having jurisdiction therein; and if after due hearing it shall appear that such notice was not given, the court or justice shall revoke the license, and notice thereof shall be sent to the board issuing the same. The cost of publishing the notices of applications as herein required shall be paid in advance by the applicants for licenses.

SECTION 2. If at any time before the expiration of the ten days following the publication of the notice of an application for a license to sell intoxicating liquors, as required by the preceding section, the owner of any real estate adjoining the premises, described in any application for a license to be exercised by a common victualler to sell liquor to be drunk on the premises, shall notify the licensing board in writing that he objects to the granting of the license, no license to sell intoxicating liquors to be drunk on said premises shall be granted by said board. And in case any such license is granted after an objection has been filed as aforesaid, the owner of any real estate adjoining the licensed premises may apply to the municipal, police, or district court, or to any trial justice within whose jurisdiction the premises are situated, for a hearing in the

case; and if it shall appear to said court or justice that due notice was given by the said owner of his objection to the granting of such license, the said court or justice shall revoke the license; and notice of such revocation shall be sent to the licensing board; and any city or town in which any such license has been revoked as is provided in this act shall refund to said licensee or his legal representatives whatever sum or sums of money has been expended by him for said license and his court fees and costs.

SECTION 3. Any acts or parts of acts inconsistent herewith are hereby repealed. Repeal.

SECTION 4. This act shall take effect upon its passage.
Approved May 10, 1881.

AN ACT CONCERNING THE COMPENSATION OF STANDING AND SPECIAL JUSTICES OF MUNICIPAL, POLICE AND DISTRICT COURTS.

Chap. 256

Be it enacted, etc., as follows:

Section one of chapter two hundred and sixty-seven of the acts of the year eighteen hundred and seventy-nine is hereby amended by striking out the words "fifteen days in all," and inserting the words "thirty days in all;" and section nine of chapter two hundred and sixty-five of the acts of the year eighteen hundred and seventy-nine is amended by striking out in the fourth line the words "fifteen days," and inserting instead the words "thirty days;" also by striking out in the fifteenth line the words "fifteen days," and inserting instead the words "thirty days."
Approved May 10, 1881.

Compensation
of standing and
special justices.

AN ACT RELATING TO THE DISCHARGE OF INSOLVENT DEBTORS.

Chap. 257

Be it enacted, etc., as follows:

SECTION 1. In all cases arising under chapter one hundred and eighteen of the General Statutes and acts in amendment thereof and in addition thereto, in determining the requisite assent to granting a discharge to an insolvent debtor, no preferred claim which shall be paid in full, and, if not paid in full, no part thereof which shall be paid, shall be included.

Preferred claim
not to be in-
cluded in assent
to discharge.

SECTION 2. Section seventy-nine of chapter one hundred and eighteen of the General Statutes is hereby amended by inserting in the fourth line, before the word "shall," the words "or a claim against a debtor for goods attached on mesne process or taken on execution by him as an officer, or for misfeasance in office."

Debts not
discharged.

SECTION 3. This act shall take effect upon its passage.
Approved May 11, 1881.

Chap. 258 AN ACT TO REPEAL THAT PORTION OF CHAPTER TWO HUNDRED AND THIRTEEN OF THE ACTS OF THE YEAR EIGHTEEN HUNDRED AND SIXTY WHICH RELATES TO THE STAMPING OF SECURITIES HELD BY THE COMMONWEALTH.

Be it enacted, etc., as follows :

Repeal.
1860, 213.

SECTION 1. So much of chapter two hundred and thirteen of the acts of the year eighteen hundred and sixty as relates to the stamping securities held by the Commonwealth is hereby repealed.

SECTION 2. This act shall take effect upon its passage.
Approved May 11, 1881.

Chap. 259 AN ACT TO ESTABLISH THE SALARY OF THE STANDING JUSTICE OF THE MUNICIPAL COURT OF THE CHARLESTOWN DISTRICT IN THE CITY OF BOSTON.

Be it enacted, etc., as follows :

Salary
established.

SECTION 1. The standing justice of the municipal court of the Charlestown district in the city of Boston shall receive a salary of eighteen hundred dollars per year.

Repeal.

SECTION 2. So much of section four of chapter two hundred and sixty-five of the acts of the year eighteen hundred and seventy-nine as is inconsistent with this act is hereby repealed.

SECTION 3. This act shall take effect upon its passage.
Approved May 11, 1881.

Chap. 260 AN ACT TO CONFIRM THE ACTION OF THE TOWN OF BELMONT GRANTING THREE THOUSAND DOLLARS FOR A PUBLIC PARK.

Be it enacted, etc., as follows :

Action of town
confirmed.

SECTION 1. The action of the town of Belmont on the twentieth day of April in the year eighteen hundred and eighty-one, whereby it voted to appropriate and grant three thousand dollars for a public park, is hereby ratified and confirmed.

SECTION 2. This act shall take effect upon its passage.
Approved May 11, 1881.

Chap. 261 AN ACT RELATING TO THE APPOINTMENT OF CONSTABLES FOR CERTAIN MUNICIPAL COURTS IN THE CITY OF BOSTON.

Be it enacted, etc., as follows :

Constables for
certain municipal
courts.

SECTION 1. There shall be one constable in each of the municipal courts of the East Boston, Dorchester, West Roxbury, and Brighton districts; and two constables in each of the municipal courts of the South Boston, Charlestown, and Roxbury districts, to be appointed by the stand-

ing justices of said courts. Said constables of the municipal courts of the South Boston, East Boston, and Roxbury districts shall be paid a salary of one thousand dollars each per year and at the same rate for any part of a year. Said constables of the municipal courts of the West Roxbury, Charlestown, Dorchester, and Brighton districts shall be paid a salary of eight hundred dollars each per year and at the same rate for any part of a year.

Salary.

SECTION 2. This act shall take effect upon its passage.

Approved May 11, 1881.

AN ACT TO AMEND AN ACT TO PROVIDE FOR THE KEEPING OF REGISTERS OF VOTERS IN CITIES AND TOWNS.

Chap. 262

Be it enacted, etc., as follows :

Chapter two hundred and fifty-one of the acts of the year eighteen hundred and seventy-eight is hereby amended by adding thereto a new section as follows :—Upon the affidavit of any legal voter in any city or town, made at least seven days prior to an election, setting forth that in his opinion a certain person is illegally registered, and the reasons therefor, it shall be the duty of the officers or board charged with the preparation of the alphabetical list of voters to be used at elections, to re-examine the matter of the registration of such person, and if deemed necessary they may summon such person to appear before them at a time and place named, and examine him under oath in regard to the matter set forth in the affidavit, and, if satisfied that he is not a qualified voter, they shall strike his name from the list : *provided*, that notice and opportunity for hearing be first given such person.

Voters illegally registered may be stricken from list.

Proviso.

Approved May 12, 1881.

AN ACT CONCERNING JUDGMENT DEBTORS.

Chap. 263

Be it enacted, etc., as follows :

SECTION 1. Section three of chapter two hundred and fifty of the acts of the year eighteen hundred and seventy-seven is hereby amended by striking out the word "to," in the second line, and inserting instead the word "above," and by striking out the word "same," in the fourth line, and inserting instead the word "excess."

Property not exempt and in excess of \$20 to be produced by debtor.

SECTION 2. If the time expires for the return of an execution pending the examination of a judgment debtor under the provisions of said chapter two hundred and fifty, or if the judgment debtor shall fail to appear at said examination, or, if appearing, he shall fail to obey all lawful

Arrest upon an alias execution.

orders and requirements made by the magistrate, the arrest may be authorized upon said execution or upon an alias or other successive execution in like manner as upon the original execution.

Application for
certificate of
arrest.

SECTION 3. If a judgment debtor lives or has his usual place of business in any county in this state, application for a certificate authorizing his arrest shall be made in that county; otherwise the application may be made in any county.

Liability of bail.

SECTION 4. In case of the avoidance of a judgment debtor who has been arrested on mesne process, and a return on the notice mentioned in section one of said chapter two hundred and fifty that after diligent search by the officer serving the notice he is not found, his bail shall become liable in like manner as provided by section seven of chapter one hundred and twenty-five of the General Statutes.

Authority of
justices of the
peace limited to
issuing notices.

SECTION 5. Justices of the peace shall hereafter have no authority to act under any of the provisions of chapter two hundred and fifty of the acts of eighteen hundred and seventy-seven and acts passed in amendment thereof and in addition thereto, except to issue notices as therein provided, returnable before some magistrate authorized to act thereon.

Approved May 12, 1881.

Chap. 264 AN ACT TO ESTABLISH THE SALARY OF THE CLERK OF THE SECRETARY OF THE BOARD OF AGRICULTURE.

Be it enacted, etc., as follows:

Salary of clerk
established.

SECTION 1. The salary of the clerk of the secretary of the board of agriculture shall be eleven hundred dollars per year.

Repeal.

SECTION 2. So much of section one of chapter two hundred and thirty-five of the acts of the year eighteen hundred and seventy-nine as is inconsistent with this act is hereby repealed.

SECTION 3. This act shall take effect upon its passage.

Approved May 12, 1881.

Chap. 265 AN ACT IN RELATION TO THE BRIDGE OF THE BOSTON AND MAINE RAILROAD OVER THE MERRIMACK RIVER AT HAVERHILL.

Be it enacted, etc., as follows:

Construction of
bridge to conform
to plan of
commissioners.

SECTION 1. The Boston and Maine Railroad is hereby required, within six months from the passage of this act, to make the construction of its bridge over the Merrimack River conform to the plan of the same approved by the

harbor and land commissioners on the twentieth day of January in the present year and now on file in the office of said commissioners, or to such plan as shall hereafter be approved by said commissioners.

SECTION 2. Whenever in the opinion of the board of harbor and land commissioners and of the board of railroad commissioners a draw is required in said bridge, said railroad company shall, upon the joint order of the said two boards within one year after such order, construct and thereafter maintain a suitable draw in said bridge, constructed in all respects to the approval of said board of harbor and land commissioners.

Draw to be constructed when ordered by commissioners.

Approved May 12, 1881.

AN ACT TO PROVIDE FOR AN ASSISTANT CLERK FOR THE COUNTY OF BRISTOL.

Chap. 266

Be it enacted, etc., as follows :

SECTION 1. Section four of chapter two hundred and ninety-five of the acts of the year eighteen hundred and sixty-seven is hereby amended by inserting after the words "fifteen hundred dollars," in the fourth line thereof, the words "an assistant clerk for the county of Bristol with an annual salary of fifteen hundred dollars."

Assistant clerk for Bristol County.

SECTION 2. The salary provided in this act for the assistant clerk for the county of Bristol shall be paid from the date of his qualification for that office, in quarterly instalments, from the treasury of said county.

Salary to be paid by the county.

SECTION 3. This act shall take effect upon its passage.

Approved May 12, 1881.

AN ACT TO INCORPORATE THE LEXINGTON WATER COMPANY.

Chap. 267

Be it enacted, etc., as follows :

SECTION 1. Moses Joy, junior, Benjamin F. Brown, George O. Whiting, Hammond Reed and Leonard A. Saville, their associates and successors, are hereby made a corporation by the name of the Lexington Water Company, for the purpose of furnishing the inhabitants of Lexington with pure water for the extinguishment of fires and for domestic and other purposes, with the powers and privileges, and subject to all the duties, restrictions and liabilities set forth in all general laws which now are or may hereafter be in force regulating such corporations.

Corporators.

Name and purpose.

Powers and duties.

SECTION 2. Said corporation may for the purposes aforesaid take, hold and convey through the town of Lexington, or any part thereof, the water, so far as may be necessary for the purpose; of any spring or springs situated

May take certain waters and convey the same through town of Lexington.

May take land.

May dig up roads.

A description of the land taken to be filed in registry of deeds.

* Assessment of damages.

within thirty rods of the Lincoln road, and on the southerly side thereof, at the foot of Concord hill, but not northerly of Concord road, and shall not take the waters of Vine Brook; and may take and hold by purchase or otherwise, within the area aforesaid, for the purpose of utilizing the springs therein and for the preservation and purity of the same, any portion of the real estate there lying and being, but shall take no part of said Vine Brook; and may take and hold also so much other real estate lying and being on the northerly side of said Lincoln road between said road and the Concord road in said town, as may be required for forming any dams or reservoirs, to hold the same, and such other real estate in said town as may be necessary for laying and maintaining aqueducts and pipes for distributing the water so taken and held; and may lay its water pipes through any private lands, with the right to enter upon the same and dig therein for the purpose of making all necessary repairs or service connections; and for the purposes aforesaid may carry its pipes over or under any water course, street, railroad, highway or other way, in such manner as not unnecessarily to obstruct the same; and may, under the direction of the board of selectmen, enter upon and dig up any road or other way for the purpose of laying or repairing its aqueducts, pipes or other works; and in general may do any other acts and things convenient and proper for carrying out the purposes of this act.

SECTION 3. Said corporation shall, within sixty days after the taking of any land under the provisions of this act otherwise than by purchase, file in the registry of deeds of the southern district of Middlesex County a description of any land so taken, sufficiently accurate for identification, with a statement of the purposes for which it is so taken; and the title to land so taken shall vest in said corporation. Any person or corporation injured in property by any acts of said corporation, and failing to agree with said corporation as to the amount of damages, may have the same assessed and determined in the manner provided when land is taken for highways; but no application shall be made to the county commissioners for the assessment of damages for the taking of water rights until the water is actually taken and diverted by said corporation. Any person whose water rights are thus taken or affected may apply as aforesaid within three years from the time the water is actually withdrawn or diverted, and not thereafter; and no suit for injury done under this act shall be brought

after two years from the date of the alleged receipt of injury.

SECTION 4. Said corporation may distribute the water through said Lexington; may establish and fix from time to time the rates for the use of said water, and collect the same; and may make such contracts with the town of Lexington, or with any fire district, or with individuals or corporations, to supply water for fire or for other purposes, as may be agreed upon by said town or fire district or individuals or corporations and said corporation.

May fix water rates.

SECTION 5. Said corporation, for the purposes set forth in this act, may hold real and personal estate not exceeding in amount thirty thousand dollars; and the whole capital stock shall not exceed sixty thousand dollars, to be divided into shares of fifty dollars each.

Real and personal estate, and capital stock.

SECTION 6. If any person shall use any of said water taken under this act without the consent of said corporation, or shall wantonly or maliciously divert the water or any part thereof so taken, or corrupt the same or render it impure, or destroy or injure any dam, aqueduct, pipe, conduit, hydrant, machinery or other works or property held, owned or used by said corporation under the authority of and for the purposes of this act, he shall forfeit and pay to said corporation three times the amount of damages assessed therefor, to be recovered in an action of tort; and, on conviction of either of the wanton or malicious acts aforesaid, may be punished by a fine not exceeding three hundred dollars, or by imprisonment in jail not exceeding one year.

Penalty for diverting water or rendering it impure.

SECTION 7. The Lexington Water Company may issue bonds and secure the same by a mortgage on its works, structures, equipments, franchise and other property, real or personal, to an amount which shall not exceed the capital stock of said company actually paid in and applied to the construction or completion of said Lexington Water Company's works.

May issue bonds and secure by mortgage.

SECTION 8. The town of Lexington shall have the right, at any time during the continuance of the charter hereby granted, to purchase the corporate property and all the rights and privileges of said company, at a price which may be mutually agreed upon between said corporation and the said town of Lexington; and the said corporation is authorized to make sale of the same to said town. In case said corporation and said town are unable to agree, then the compensation to be paid shall be determined by three commissioners to be appointed by the supreme judi-

Town may purchase corporate property and rights.

Subject to assent
of town by a
two-thirds vote.

Work to be
commenced
within two
years.

Security to be
given for pay-
ment of dam-
ages.

cial court upon application of either party, and notice to the other, whose award, when accepted by the said court, shall be binding upon both parties. And this authority to purchase said franchise and property is granted on condition that the same is assented to by said town by a two-thirds vote of the voters present and voting thereon at a meeting called for that purpose; the number of meetings called for that purpose in any one year not to exceed two.

SECTION 9. This act shall be null and void unless said corporation shall within two years from the passage hereof avail itself of its provisions, and commence a prosecution of the work herein authorized.

SECTION 10. The owners of lands and water rights taken under this act, and the owners of land entered upon for the purpose of laying pipes or digging therein for the purpose of making repairs or service connections, upon application by either party for an estimate of damages, may require said corporation to give security, satisfactory to the board of selectmen of said town, for the payment of all damages and costs which may be awarded to them for the land or other property taken, or for the entry for the purposes aforesaid. And if, upon petition of the owner with notice to the adverse party, the security appears to the selectmen of said town to have become insufficient, they shall require said corporation to give further security to their satisfaction, and all the right or authority of the corporation to enter upon or use said land and other property, except for making surveys, shall be suspended until it gives the security required.

SECTION 11. This act shall take effect upon its passage.
Approved May 12, 1881.

Chap. 268 AN ACT IN ADDITION TO THE ACTS TO SUPPLY THE CITY OF WORCESTER WITH PURE WATER.

Be it enacted, etc., as follows:

May take waters
of Tatnue
Brook.

SECTION 1. The city of Worcester is hereby authorized to take and convey into and through said city the waters of Tatnue Brook or of any reservoir thereon, and the waters flowing into the same, and to take and hold any land, and build and maintain any structures, necessary for said purpose.

Powers and
duties.

SECTION 2. The rights, powers and authority given by this act shall be exercised by the city of Worcester by the same officers as the rights, powers and authority given by the one hundred and fourth chapter of the acts of the year eighteen hundred and sixty-four are exercised by, and

the said city shall be entitled to all the rights and subject to all the duties and liabilities set forth in the three hundred and sixty-first chapter of the acts of the year eighteen hundred and seventy-one, to be enforced in the manner provided in said chapter.

SECTION 3. For the purpose of defraying all costs and expenses incident to the acts herein authorized, including the payment for land and water rights taken, the city council shall have authority to borrow, from time to time, such sums of money, and to issue notes, bonds, or certificates therefor, to be denominated on the face thereof "Worcester Water Scrip," as they shall deem necessary, to an amount not exceeding five hundred thousand dollars, upon the same terms and conditions, and with the same authority in regard to interest, and the sale of said scrip, and the payment of the principal thereof, and the appropriation and assessment of money for the payment of the principal and the interest on the moneys so borrowed, as are contained in the fifth section of the one hundred and fourth chapter of the acts of the year eighteen hundred and sixty-four.

May borrow money, not exceeding \$500,000.

SECTION 4. This act shall not take effect unless within six months from its passage it is accepted by the city council of the city of Worcester; and upon such acceptance the rights heretofore granted by the legislature to the city of Worcester to take the waters of Kettle Brook in the town of Leicester shall thereupon cease and determine.

Subject to acceptance by city council within six months.

Approved May 12, 1881.

AN ACT TO PROVIDE FOR THE REDEMPTION OF THE GUARANTEE CAPITAL STOCK OF MUTUAL FIRE INSURANCE COMPANIES.

Chap. 269

Be it enacted, etc., as follows:

SECTION 1. Whenever any mutual fire insurance company shall at a meeting called for the purpose vote to discontinue its stock department, and redeem its guarantee capital stock, such company may apply to the supreme judicial court in equity to determine the manner, terms and conditions in which said capital stock may be redeemed, and thereupon said court, after such notice to all parties in interest as the court shall order, may hear and determine the matter of the application; and such company may redeem and cancel said capital stock in such manner and upon such terms and conditions as said court shall adjudge just and equitable: *provided*, that before making such application said company shall cancel all outstanding policies issued by such stock department.

Stock department may be discontinued and guarantee capital redeemed as S. J. C. may order.

Proviso.

SECTION 2. This act shall take effect upon its passage.
Approved May 12, 1881.

Chap. 270**AN ACT TO PROVIDE FOR THE PRESERVATION OF LOBSTERS.**

Be it enacted, etc., as follows :

Lobsters not to be taken between June 20 and Sept. 20.

SECTION 1. Whoever, from the twentieth day of June to the twentieth day of September, takes a lobster, shall be punished for each offence by a fine of not less than ten nor more than one hundred dollars, or by imprisonment in the house of correction for not less than one nor more than three months; but a person catching a lobster when lawfully fishing, and immediately returning it alive to the waters from which it was taken, shall not be subject to such penalty.

Penalty.

SECTION 2. Whoever from the twentieth of June to the twentieth of September buys, sells, or has in his possession a lobster taken in this Commonwealth, shall forfeit for each offence a sum not less than ten nor more than fifty dollars.

City and town officers to enforce provisions.

SECTION 3. The mayor and aldermen of every city, the selectmen of every town and all police officers and constables shall cause the provisions of this act to be enforced in their respective cities and towns; and all penalties for violations thereof shall be paid one-half to the person making the complaint and one-half to the city or town in which the offence was committed.

To take effect Jan. 1, 1882.

SECTION 4. This act shall take effect upon the first day of January, eighteen hundred and eighty-two.

Approved May 12, 1881.

Chap. 271**AN ACT TO AMEND "AN ACT CONCERNING COÖPERATIVE SAVING FUND AND LOAN ASSOCIATIONS."**

Be it enacted, etc., as follows :

Amendment to 1877, 224.

SECTION 1. Chapter two hundred and twenty-four of the acts of the year eighteen hundred and seventy-seven is hereby amended as follows:— Clause 1. In the second line of section eight by inserting the word "first," before the word "mortgage," in said line. Clause 2. By striking out section fifteen and inserting in place thereof:— The profits and losses may be distributed annually, semi-annually or quarterly, to the shares then existing, but shall be distributed at least once in each year, and whenever a new series of shares is to be issued. Profits and losses shall be distributed to the various shares existing at the time of such distribution in proportion to the then

value of the share and shall be computed upon the basis of a single share, fully paid to date of distribution. Losses shall be apportioned immediately following their occurrence. Clause 3. By striking out section nine and inserting in place thereof: — Each shareholder shall pay to said corporation at or before each stated monthly meeting of the directors, as a contribution to the capital thereof, the sum of one dollar as dues for each and every share held by him, until each share shall under the provisions of this act reach the ultimate value of two hundred dollars or shall sooner be forfeited, cancelled or withdrawn as herein-after provided. When each unpledged share of a particular series shall reach the ultimate value of two hundred dollars, all payments thereon shall cease, and the holder thereof shall be entitled to receive and shall be paid out of the funds of the said corporation the sum of two hundred dollars for each share maturing and so held by him, and from the date of such maturity to the date of such payment shall also be entitled to receive and shall be paid interest at the rate of six per cent. per annum on the sum so due and payable: *provided, however*, that at no time shall more than one-half of the funds in the treasury be applicable to the payment of such matured shares without the consent of the directors; and *provided, further*, that the directors of said corporation shall have the power at their discretion to retire the unpledged shares of any particular series, by enforcing the withdrawal of the same at any time after the lapse of four years from the date of the issue thereof, *provided*, that the retired shareholders shall be entitled to receive and shall be paid the full value of their shares, less all fines and a proportionate part of any unadjusted loss, and *provided, further*, that all shareholders whose shares are to be so retired shall be determined by lot under such regulations as the directors may prescribe. A borrowing shareholder, for each share borrowed upon, shall in addition to the dues aforesaid pay the sum of one dollar per month as interest, together with the monthly premium bid for said loan as hereinafter in section twelve provided for, until said shares shall reach the ultimate value of two hundred dollars each, when said shares and said loan shall be declared cancelled and satisfied, unless otherwise sooner paid off and discharged. Clause 4. By adding at the end of section seven the following: — In case there shall be a balance of money remaining unsold after a monthly auction sale, the directors may at their discretion invest the same in any of the

When un-pledged shares reach value of \$200, payments to cease.

Provisos.

Investment of money unsold.

securities named in the second clause of section nine of chapter two hundred and three of the acts of the year eighteen hundred and seventy-six.

SECTION 2. This act shall take effect upon its passage.

Approved May 12, 1881.

Chap. 272 AN ACT IN ADDITION TO "AN ACT REGULATING COMMITMENTS OF PERSONS TO INSANE HOSPITALS."

Be it enacted, etc., as follows:

Insane person may be kept in hospital five days, upon certificates of two physicians, separately made.

SECTION 1. The superintendent or keeper of any lunatic hospital in this state, including the McLean Asylum at Somerville, may receive into his custody and detain in such hospital or asylum for any period not exceeding five days, without any order of a judge or justice, any person as insane whose case is duly certified to be one of violent and dangerous insanity and emergency by two physicians qualified by law to sign certificates of insanity in this Commonwealth, which certificates shall be separately made and signed, and shall conform in all other respects to the provisions of section three of chapter one hundred and ninety-five of the acts of the year eighteen hundred and seventy-nine. In addition to such certificates, an application, signed by one of the selectmen of the town or by the mayor or one of the aldermen of the city in which said insane person resides or is found, shall be left with the superintendent of the hospital or asylum in which the insane person is received, and such application shall contain the statement in respect to such insane person which is now required by section five, chapter two hundred and twenty-three of the acts of the year eighteen hundred and sixty-two, and a further statement that the case is one of violent and dangerous insanity.

Statement to be made by selectmen, etc.

Bond to be given that an order of commitment will be furnished within five days.

SECTION 2. Whenever any insane person is committed to a lunatic hospital in accordance with the provisions of the foregoing section, the party committing such person shall give a bond in the sum of one hundred dollars, to the treasurer of said hospital, that he will within five days procure from the proper authority an order for the commitment of said patient, or failing thereof will remove him.

Superintendent may receive any person desirous of submitting himself to treatment.

SECTION 3. The superintendent or keeper of any hospital as aforesaid may receive and detain therein, as a boarder and patient, any person who is desirous of submitting himself to treatment, but whose mental condition is not such as to render it legal to grant a certificate of insanity in his case: *provided, always*, that such boarder shall make written application for such treatment, and

Proviso.

that he shall not be detained for more than three days after having given notice in writing of his intention or desire to leave such hospital.

SECTION 4. Whenever any patient is received into any such hospital, upon his own application or under the provisions of section one of this act, the superintendent thereof shall give immediate notice of such reception to the board of health, lunacy and charity, stating all the particulars of the case, including the legal settlement of the person so received, if known, which board shall immediately cause such cases to be investigated and a record to be made of all the facts pertaining thereto.

Notice to be given to the state board of health, etc.

SECTION 5. Any physician who shall wilfully and intentionally conspire with any person unlawfully or improperly to commit to any lunatic hospital or asylum in this state any person who is not insane, shall upon conviction thereof be punished by fine or imprisonment, at the discretion of the court before which he has been tried.

Penalty on physician for conspiring to commit unlawfully.

SECTION 6. All acts and parts of acts inconsistent herewith are hereby repealed. *Approved May 12, 1881.*

Repeal.

AN ACT TO AID IN PRESERVING ORDER AT ELECTIONS.

Chap. 273

Be it enacted, etc., as follows:

During any town, ward or precinct meeting, or any meeting held for the election of national, state, county, city or town officers, no person shall smoke or have in his possession any lighted pipe, cigarette or cigar in any town hall, ward room, precinct room, or other voting place where any such meeting shall be held; and no person shall carry into any of such places of meeting or keep therein any intoxicating liquor; and any person violating any of the provisions of this act shall be deemed guilty of disorderly conduct, and the moderator, warden or other presiding officer at such meeting shall order such person to remove any such pipe, cigarette or cigar or liquor, or to withdraw himself from said place of meeting; and on his refusing or declining to obey any such order, shall direct any of the police officers, constables or any other persons present, to take him from the meeting and confine him in some convenient place, until the meeting is adjourned. The person so refusing shall for each such offence forfeit a sum not exceeding twenty dollars to be recovered in any court of competent jurisdiction.

Smoking prohibited in voting places.

Intoxicating liquors prohibited.

Penalty.

Approved May 12, 1881.

Chap. 274 AN ACT CONCERNING THE PRESENCE OF MINORS AS SPECTATORS IN COURT ROOMS.

Be it enacted, etc., as follows :

Minors may be excluded from court rooms.

Any court of record, district, municipal or police court, or trial justice shall have authority to exclude minors as spectators from the court room, during the trial of any cause, civil or criminal, when their presence is not necessary as witnesses or parties. *Approved May 12, 1881.*

Chap. 275 AN ACT DEFINING THE DUTIES AND FIXING THE COMPENSATION OF CERTAIN APPOINTEES OF THE SERGEANT-AT-ARMS.

Be it enacted, etc., as follows :

Sergeant-at-arms may appoint four messengers, subject to approval, etc.

SECTION 1. The sergeant-at-arms shall annually appoint, subject to the approval of the secretary and treasurer of the Commonwealth, four good and discreet persons, who shall be known as the "sergeant-at-arms' messengers," whom he may at any time remove, and for whose fidelity and good conduct in said capacity he shall be responsible.

To have care of state house.

SECTION 2. The sergeant-at-arms and his messengers shall take proper care to prevent the commission of any trespass or injury in or upon any part of the state house, or of its appurtenances ; and if any is committed and the offender is known, they shall forthwith give notice thereof to the attorney-general or to the district attorney for the Suffolk district in order that such offender may be prosecuted therefor.

Duties of messengers.

SECTION 3. The sergeant-at-arms' messengers shall perform the duties of document clerk, sergeant-at-arms' clerk, messengers to the several departments, except that of the secretary of the Commonwealth, janitors of the state house, and such other duties as the sergeant-at-arms may require.

Salaries.

SECTION 4. Each of said messengers shall receive a salary of eleven hundred dollars a year in full compensation of all services required of him by the sergeant-at-arms throughout the year.

Engineer.

SECTION 5. The sergeant-at-arms may appoint one person as engineer, whose duty it shall be to take charge of the heating and ventilation of the state house, at a salary of fourteen hundred dollars a year, a fireman at a salary of nine hundred dollars a year, and an assistant fireman whose compensation shall be two and one-half dollars per diem for each day employed ; he may also appoint a competent man as janitor and fireman at house numbered thirty-three Pemberton Square, who shall have a salary of nine hundred dollars per year in full for all

Fireman and assistant.

services performed. He shall appoint a faithful man as watchman, whose salary shall be eight hundred dollars per annum, who shall remain at the state house every night, and maintain proper watch, and guard for the security thereof; and shall visit such rooms and at such times as the sergeant-at-arms may direct. The sergeant-at-arms shall be responsible for the fitness and good conduct of the officers appointed under the provisions of this section, and may remove them at his discretion.

Watchman.

SECTION 6. Sections fifty-five, fifty-six, fifty-seven, fifty-eight, fifty-nine and sixty of chapter fourteen of the General Statutes, chapter three hundred and forty-one of the acts of the year eighteen hundred and sixty-eight, and chapter eighty-two of the acts of the year eighteen hundred and seventy-nine, and all other acts or parts of acts inconsistent with this act are hereby repealed.

Repeal.

SECTION 7. This act shall take effect upon its passage.

Approved May 13, 1881.

AN ACT TO AMEND "AN ACT RELATIVE TO THE PUNISHMENT
FOR DRUNKENNESS."

Chap. 276

Be it enacted, etc., as follows:

Chapter two hundred and twenty-one of the acts of the year eighteen hundred and eighty is hereby amended by striking out the first two sections and inserting in place thereof the following:—"Section 1. Whoever is guilty of the offence of drunkenness by the voluntary use of intoxicating liquor shall, if it shall not be proved that he or she has been convicted of a like offence once before within the next preceding twelve months, be punished by a fine not exceeding one dollar and the costs of prosecution, or such portion thereof as the court or justice may determine. In case of the non-payment of said fine and costs, the person convicted of said offence may be committed to any jail, house of industry or house of correction, or to the workhouse, if any, in the town or city where the offence was committed, if such workhouse has a criminal department, until said fine and costs shall be paid: *provided, however,* that the person convicted and committed as aforesaid shall not be imprisoned more than ten days for the non-payment of said fine and costs. Section 2. When a male person is guilty of the offence of drunkenness as aforesaid, and it is proved that he has been convicted of a like offence once before, within the next preceding twelve months, he may upon conviction be punished by a fine not exceeding five dollars and the

Penalty for first
offence of
drunkenness.

Penalty for
second offence.

costs of prosecution, or by imprisonment in a jail or in any place provided by law for common drunkards, for a term not exceeding two months. And when it shall be proved that such person has been convicted of a like offence twice before within the next preceding twelve months, he may be punished by a fine not exceeding ten dollars and the costs of prosecution, or by imprisonment in a jail or in any place provided by law for common drunkards, for a term not exceeding one year."

Approved May 13, 1881.

Chap. 277 AN ACT TO AMEND "AN ACT TO PROVIDE FOR THE ENROLMENT OF THE MILITIA, FOR THE ORGANIZATION OF THE VOLUNTEER MILITIA, AND FOR THE PUBLIC DEFENCE."

Be it enacted, etc., as follows:

Band for regiment, battalion, etc., not to exceed eighteen musicians.

SECTION 1. Section twenty-eight of chapter two hundred and sixty-five of the acts of the year eighteen hundred and seventy-eight is hereby amended so as to read as follows: "Section 28. The commander of a regiment, separate battalion, corps of cadets, or unattached company, may employ, or raise by enlistment, a band of musicians, not to exceed eighteen in number, to be under his direction and command; such musicians while on duty shall be subject to all the laws and regulations for the government of the militia, except that they need not be mustered in as prescribed for enlisted men."

Enlistment for three years.

SECTION 2. Section fifty-five of chapter two hundred sixty-five of the acts of the year eighteen hundred and seventy-eight is hereby amended to read as follows: "Section 55. Every person enlisting in the volunteer militia shall be mustered into the service of the Commonwealth for a term of three years: *provided, however,* that any soldier who may have received an honorable discharge from the Massachusetts volunteer militia by reason of the expiration of his term of service may be re-enlisted and mustered in for a term of one, two or three years, as he may elect. All terms of service shall commence at noon on the date of enlistment; *provided,* said enlisted man shall be mustered in within thirty days after his enlistment, otherwise at noon on the date of muster in."

Re-enlistment for one, two or three years.

Parade in May or June for drill.

SECTION 3. Section one hundred and four of chapter two hundred and sixty-five of the acts of the year eighteen hundred and seventy-eight is hereby amended to read as follows: "Section 104. Each regiment, separate battalion, corps of cadets, and unattached company of the volunteer militia, shall parade for drill one day in the

months of May or June, at such time and place as the commander-in-chief may designate. The inspector-general, his assistants, or such other officers as the commander-in-chief shall indicate shall attend such drills and report upon the proficiency of the troops; such reports to be made to the commander-in-chief in writing within thirty days from the date of such drill."

SECTION 4. Section one hundred and seven of chapter two hundred and sixty-five of the acts of the year eighteen hundred and seventy-eight is hereby amended to read as follows: "Section 107. At each encampment the troops shall be reviewed and shall be thoroughly exercised in the routine of camp duty, and shall be inspected by the inspector-general, his assistants, or such officers as may be detailed at the request of the inspector-general to act as assistants. Each inspecting officer shall report to the inspector-general in duplicate, in regard to numbers, discipline, drill, condition of public property in possession, and any other matter affecting the character and efficiency of the organization; one copy to be retained by him, the other to be forwarded to the commander-in-chief within thirty days from the date of the inspection."

Troops to be reviewed, exercised, and inspected.

SECTION 5. Section one hundred forty-two of chapter two hundred and sixty-five of the acts of the year eighteen hundred and seventy-eight is hereby amended to read as follows, to wit: "Section 142. Any enlisted man may be tried by court martial: For disobedience of orders, or an act contrary to the provisions of this chapter, or to the provisions of the regulations for the government of the militia, or to the by-laws of the organization to which he belongs; for disrespect to his superiors; for mutiny or desertion; for neglect of duty; or for drunkenness on duty. A soldier absenting himself for the space of three months from all meetings, drills and parades of his company, without leave or proper excuse shall be considered a deserter."

Trial of enlisted men by court martial.

SECTION 6. So much of sections fourteen and twenty-eight of chapter two hundred and sixty-five of the acts of eighteen hundred and seventy-eight and all other acts and parts of acts inconsistent with this act are hereby repealed.

Repeal.

SECTION 7. This act shall take effect upon its passage.

Approved May 13, 1881.

Chap. 278 AN ACT TO AUTHORIZE THE ESTABLISHMENT AND MAINTENANCE OF A DOG SHELTER BY THE SOCIETY FOR THE PREVENTION OF CRUELTY TO ANIMALS, IN THE CITY OF BOSTON.

Be it enacted, etc., as follows:

Dog shelter may be authorized in Boston.

SECTION 1. The board of aldermen of the city of Boston may authorize the Society for the Prevention of Cruelty to Animals to establish and maintain in said city a shelter for the detention of unlicensed or stray dogs which may be seized under the provisions of this act, and may make any necessary agreement with said society for the reception, sheltering, keeping and feeding, or humane killing or otherwise disposing of such dogs: *provided, however,* that no such shelter shall be established or maintained when an adjoining owner objects thereto.

Dogs running at large to be seized, and delivered at shelter.

SECTION 2. The mayor of said city shall annually, within ten days from the first day of July, issue a warrant to one or more police officers, or any officer of said Society for the Prevention of Cruelty to Animals, directing them to proceed forthwith to seize and deliver at such shelter all dogs found running at large within said city of Boston, not licensed and collared according to law, and to enter a complaint against the owners or keepers thereof. Such officers, other than those under regular pay from said city, shall receive one dollar from the treasurer of said city for each dog so taken and delivered as aforesaid. And all bills for such service shall be approved as provided in section seven of chapter one hundred and thirty of the acts of the year one thousand eight hundred and sixty-seven.

Dogs to be kept five days, and if not reclaimed to be humanely killed.

SECTION 3. Every dog so taken and received by such shelter, as herein before provided, shall be there kept and provided with suitable food, and the owner thereof may redeem the same at any time within five days, by proving title to said dog, by showing that the same has been duly licensed according to law, and by paying the fee fixed by the aldermen of said city. At the expiration of five days said society may cause said dog to be humanely killed, or, upon the payment of the license fee required by law, it may sell or otherwise dispose of the same.

Not required to pay license fee for sheltering dog.

SECTION 4. For keeping and sheltering any dog, under the provisions of this act, said society shall not be liable to pay any license fee, nor shall it be liable for keeping any dog at such shelter which is unlicensed.

Aldermen to fix price for redemption of dog.

SECTION 5. The aldermen of said city shall have the power to prescribe the price at which any dog taken and kept in such shelter may be redeemed by the owner thereof; and all moneys received by said society for the re-

demption and sale of any dogs kept at such shelter shall be paid to the treasurer of said city.

Approved May 13, 1881.

AN ACT TO INCORPORATE THE GLOUCESTER STREET RAILWAY COMPANY.

Chap. 279

Be it enacted, etc., as follows:

SECTION 1. Henry A. Burnham, Joseph J. Burns, Francis W. Homans, Robert Tarr, their associates and successors, are made a corporation under the name of the "Gloucester Street Railway Company;" with authority to construct, maintain and operate a street railway, beginning at some point on East Main Street, East Gloucester, running through the streets of the city to Magnolia in ward eight, and Riverdale, Annisquam, Bay View and Lanesville in ward seven or any part thereof, the same to be constructed within five years from the passage of this act; with all the powers and privileges, and subject to all the duties, restrictions and liabilities set forth in all general laws which now are or hereafter may be in force relating to street railways.

Gloucester
Street Railway
incorporated.

SECTION 2. The Gloucester Street Railway Company is hereby granted power to build its tracks of a uniform gauge of three feet.

Gauge of three
feet.

SECTION 3. The said company shall have authority to construct and maintain branches to the depot of the Eastern Railroad and to such other points as it shall be for the interest of the company so to do.

May construct
branches.

SECTION 4. The capital stock of said corporation shall not exceed one hundred and fifty thousand dollars.

Capital stock.

SECTION 5. This act shall take effect upon its passage.

Approved May 13, 1881.

AN ACT TO CHANGE THE NAME OF THE MASSACHUSETTS MUTUAL INSURANCE COMPANY.

Chap. 280

Be it enacted, etc., as follows:

SECTION 1. The Massachusetts Mutual Insurance Company, doing business in Boston, may by vote of a majority of those of its members who shall be present and voting at a meeting duly called for the purpose, change its corporate name to Massachusetts Mutual Fire Insurance Company.

Name changed.

SECTION 2. This act shall take effect upon its passage.

Approved May 13, 1881.

Chap. 281 AN ACT TO CONFIRM THE ORGANIZATION OF THE EVANGELICAL LUTHERAN TRINITY CHURCH OF THE UNALTERED AUGSBURG CONFESSION, IN BOSTON.

Be it enacted, etc., as follows :

Doings confirmed.

SECTION 1. The organization of the Evangelical Lutheran Trinity Church of the unaltered Augsburg Confession, located on Parker Street in Boston, with all acts done thereunder, which religious societies may lawfully do, are hereby confirmed.

SECTION 2. This act shall take effect upon its passage.

Approved May 13, 1881.

Chap. 282 AN ACT TO SUPPLY THE VILLAGE OF CHICOPEE FALLS IN CHICOPEE WITH PURE WATER.

Be it enacted, etc., as follows :

Water supply for Chicopee Falls fire district.

SECTION 1. The Chicopee Falls fire district in the town of Chicopee is hereby authorized to supply its inhabitants with pure water to extinguish fires, and for domestic and other purposes; and may establish public fountains and hydrants, and regulate their use, and may fix and collect rents and make regulations for the use of such water.

May make contracts for supply of water.

SECTION 2. Said district, for the purposes aforesaid, may enter into contracts with any corporation or person to furnish pure water by means of force pumps or other machinery, and may construct reservoirs, and lay down conduits, pipes and drains under or over any water course, and along any street, highway or other way in said district in such manner as not to obstruct the same; and for the purpose of constructing reservoirs and laying down, maintaining and repairing such reservoirs, conduits, pipes and drains, and for all other proper purposes of this act, may dig up any such street, highway or other way; but all things done upon any street, highway or other way shall be subject to the direction of the selectmen of said town.

May dig up streets.

Liability for damages.

SECTION 3. Said district shall be liable to pay all damages sustained by any person on his property by any act done under the authority herein given. If any person sustaining damages as aforesaid cannot agree with said district upon the amount of such damages, he may have the same assessed by the county commissioners of the county of Hampden by making a written application therefor within one year after sustaining such damages; and either party aggrieved by the doings of said commissioners in the estimation of said damages may have the same determined by a jury; and the said commissioners and jury shall have the

same power, and the proceedings shall in all respects be conducted in the same manner, as provided in case of taking land for highways.

SECTION 4. The rights, powers and privileges hereby granted may be exercised by such officers, agents and servants as such fire district shall elect or employ, who shall act in accordance with the votes of said fire district.

Powers may be exercised by agents.

SECTION 5. Said district is hereby made a body corporate so far as to accomplish the purposes of this act, and to prosecute and defend in all actions relating to the property and affairs of said district.

District made a body corporate.

SECTION 6. This act shall take effect upon its acceptance by a two-thirds vote of the legal voters of said fire district.

Subject to acceptance.

Approved May 13, 1881.

AN ACT RELATIVE TO ABANDONED ANIMALS.

Be it enacted, etc., as follows:

SECTION 1. Any officer or agent of the Massachusetts Society for the Prevention of Cruelty to Animals may take charge of any animal found abandoned within this Commonwealth, that may appear to be diseased or disabled beyond recovery for any useful purpose, and such officer shall, as early as may be, cause such animal to be appraised by two reputable citizens, to be duly sworn, who shall view the same in his presence and determine its value, and if the appraised value of the same shall not exceed five dollars, such officer may at once kill, or cause to be killed, said animal in a humane manner.

Abandoned animal may be killed, if appraised value does not exceed five dollars.

SECTION 2. And said society whose officer or agent shall kill or cause to be killed any animal so taken and appraised, shall be indebted to the owner for the amount of its value, except where the death of the animal was rendered necessary by the wilful abandonment or cruelty of the owner as determined by the appraisers; and the appraisers shall be paid by said society a reasonable compensation for their services.

Owner to be paid, unless killing was made necessary by cruelty, etc.

Compensation of appraisers.

SECTION 3. This act shall take effect upon its passage.

Approved May 13, 1881.

AN ACT RELATING TO THE TAXATION OF SHIPS AND VESSELS ENGAGED IN FOREIGN TRADE.

Be it enacted, etc., as follows:

SECTION 1. Ships and vessels engaged in the foreign carrying trade shall not, for the purposes of taxation, be included in the personal estate of persons to be taxed; but the net yearly income of such ships or vessels shall be

Vessels in foreign carrying trade not to be taxed.

Chap. 283

Chap. 284

Net yearly income taxable.

To be actually engaged in such trade, or in port undergoing repairs.

Owner or agent to make return to assessors.

Tabular statement to be made to legislature.

Assessors to make return to tax commissioner.

To take effect May 1, 1882.

taxed to the owner or owners thereof in their places of residence proportionally to their interests therein.

SECTION 2. No ship or vessel shall be deemed to be engaged in the foreign carrying trade within the meaning of this act unless the same shall be either actually engaged in such trade, or in port undergoing repairs.

SECTION 3. The provisions of this act shall not apply to any ship or vessel unless the agent or owner thereof shall on or before the first day of June in each year, make a return, signed and sworn to by him, to the assessors of every town or city within this Commonwealth of which the owner of any share or interest in such ship or vessel may be a resident on the first day of May in such year, which shall set forth the name of such owner, and the name, class, and tonnage of such ship or vessel, the fact that she is at that date engaged in the foreign carrying trade within the meaning of this act, the share or interest of such owner therein, and the dividends paid him upon his said share or interest during the year ending on such first day of May, and such dividends shall constitute the net yearly income to be taxed to such owner as provided in this act.

SECTION 4. In the returns now required by law to be made by the assessors of cities and towns to the tax commissioner, and in the report of that officer to the legislature of such returns, shall be included a tabular statement of the statistics derived from the returns provided for in section three of this act.

SECTION 5. The assessors of any city or town may, on or before the first day of September in each year, make a return, under oath, to the tax commissioner, showing the amount of its valuation on the preceding first day of May included in said ships and vessels, as shown by the returns provided for in section three of this act, the net income therefrom in the year for which the return is made as shown by said returns, and the net loss in the revenue of such city or town in said year arising under the provisions of this act, such loss being computed from the statistics furnished by said returns; and an amount equivalent to the amount of said net loss shall thereupon be credited by said commissioner to said city or town as an offset to any tax or other payment to be made by it to the treasurer of the Commonwealth.

SECTION 6. This act shall take effect upon the first day of May, eighteen hundred and eighty-two; and the fifth section shall continue in force five years thereafter, and no longer.

Approved May 13, 1881.

AN ACT CONCERNING BOUNTIES TO AGRICULTURAL SOCIETIES.

Chap. 285

Be it enacted, etc., as follows :

No bounty shall be paid to any agricultural society in any one year, out of the treasury of the Commonwealth, if the state board of agriculture by a two-thirds vote of the whole number of its members present at its annual meeting shall so determine, and by its secretary notify the treasurer and receiver-general of the Commonwealth of its action, on or before the first day of September in each year: *provided*, that said board shall first give the society, from which it is proposed to withhold such bounty, full opportunity to be heard in relation to its financial affairs and its general management before such vote or action is taken; and *provided, further*, that nothing in this act or previous acts shall prevent agricultural societies from paying such premiums as they may offer for experiments in cultivation of crops or raising domestic animals for farm purposes.

Payment of bounties to agricultural societies.

Approved May 13, 1881.

AN ACT TO ESTABLISH THE SALARIES OF DISTRICT ATTORNEYS.

Chap. 286

Be it enacted, etc., as follows :

SECTION 1. The annual salaries of the district attorneys for the eastern, south-eastern, southern, middle, and western districts shall hereafter be eighteen hundred dollars; for the northern district, twenty-four hundred dollars; and for the north-western district, thirteen hundred and fifty dollars.

Salaries established.

SECTION 2. This act shall take effect upon its passage.

Approved May 13, 1881.

AN ACT TO ESTABLISH THE SALARIES OF THE BOARD OF HARBOR AND LAND COMMISSIONERS.

Chap. 287

Be it enacted, etc., as follows :

SECTION 1. Section one of chapter two hundred and sixty-three of the acts of the year eighteen hundred and seventy-nine is hereby amended by striking out all after the word "commissioners," in the fourteenth line, and inserting in the place thereof the following: "the compensation of said board of commissioners from and after the first day of January of the present year shall be five thousand five hundred dollars per annum; of which the chairman of the said board shall receive two thousand one hundred dollars and the other members of the board each one thousand seven hundred dollars; they shall also be allowed their actual travelling and other necessary expenses."

Salaries established.

SECTION 2. Section two of said chapter two hundred and sixty-three is hereby amended by striking out all after the word "kept," in the eighth line.

Approved May 13, 1881.

Chap. 288 AN ACT TO INCORPORATE THE EAST BOSTON RAILWAY, DOCK AND ELEVATOR COMPANY.

Be it enacted, etc., as follows:

Corporators.

SECTION 1. Isaac Pratt, junior, John M. Clark, Edwin Wright, Nelson Curtis, Edward G. Nickerson, Mark Goo-gins, Albert Bowker, their associates and successors, are hereby made a corporation by the name of the East Boston Railway, Dock and Elevator Company, to be established in the city of Boston, with all the powers and privileges and subject to all the duties, restrictions and liabilities set forth in all the general laws which now are or hereafter may be in force relating to all similar corporations organized under the general laws of this Commonwealth, and in all the general railroad laws so far as the same may be applicable, except so far as otherwise especially provided by this act.

May construct wharves, elevators and warehouses.

SECTION 2. Said corporation is hereby authorized to construct and maintain docks, wharves, elevators, warehouses and other buildings and structures suitable for terminal facilities for the reception, storing and delivering and forwarding of freight to be received or sent by any railway or vessel, and shall receive and store at reasonable rates and under reasonable regulations, and so far as their capacity will admit, all freights that shall be offered to said company by any railroad or ship owner, and shall make no discrimination for or against any railroad corporation or any ship owner desiring to do business on its premises. Also to transact all such business as is usually performed by persons or corporations engaged in receiving, storing or forwarding freight at the seaboard: and for that purpose may be appointed public warehouseman pursuant to the laws of the Commonwealth, but shall not be authorized to carry on the business of buying and selling merchandise.

May be appointed public warehouseman.

May take certain land in East Boston.

SECTION 3. Said corporation, for the purposes set forth in the preceding sections may, at any time within two years from the passage of this act, take and hold by purchase or otherwise any or all that parcel of land and real estate, with the wharves, docks and buildings thereon, lying between the harbor or commissioners' line, so called, and Border and Condor Streets in East Boston, and be-

tween Meridian Street and the bridge built in continuation thereof to Chelsea, and a line which is the northerly boundary line of the wharf estate of Theodore Lyman and H. S. Russell, trustees for the heirs of G. Howland Shaw, lying north of the wharf estate of William L. Sturtevant, from said Border Street to said commissioners' line, and may purchase and hold as far as the northerly boundary line of the wharf estate of William L. Sturtevant. Said corporation may also purchase and hold such other lands and wharves in that part of East Boston known as the third section (north of Condor Street), or in the fourth section, or in that part of Chelsea adjoining or near to said fourth section, as may be required for standing room for cars, cattle yards and other purposes connected with, or incidental to, the carrying on of the business of said corporation.

SECTION 4. Said corporation may lay and maintain railroad tracks upon any of its lands, wharves or terminal grounds, and may, with the consent of, and in the method and under the conditions imposed by the board of aldermen of the city of Boston, and with the consent of the board of railroad commissioners, connect the same with the tracks of any railroad corporation or corporations which shall at any time have, or be authorized to have or lay, tracks in any street or over any lands or wharf adjoining the lands of this corporation, for the purpose only of connecting its property directly with any railroad located, or which may be hereafter located, in that part of East Boston known as the fourth section, said corporation may take and hold by purchase or otherwise such land and real estate as may be necessary therefor; and for such purpose may also lay tracks to be operated by steam power in such streets as the board of aldermen of the city of Boston may permit, and subject to such regulations and conditions as said board may prescribe, and with the consent in the method and under the conditions prescribed by said board of aldermen and with the consent of said board of railroad commissioners, may connect their said tracks with or cross them over the tracks of any railroad corporation or corporations which now have or shall at any time have or be authorized to have or lay tracks in said East Boston; and all the tracks above authorized to be laid may be operated by steam power by the corporation hereby created, or by any connecting railroad company; and all the tracks authorized by this act to be operated by steam power, shall be operated according to

May lay and maintain railroad tracks.

May take land necessary for the purpose.

May connect tracks with other railroads.

Connecting rail-
roads to receive
and deliver
freight cars.

the provisions of the general railroad act of the year eighteen hundred and seventy-four, and all acts heretofore or hereafter passed in amendment thereof. It shall be the duty of each railroad corporation whose railroad shall be connected with the tracks of this corporation, as aforesaid, either directly or over intervening road or roads, to receive and deliver freight cars at each of said connections, and to draw the same over its road at rates to be established according to the provisions of said general railroad act and any amendment thereof or addition thereto regulating the use and operation of connecting railroads. In making such connections this corporation shall have all the powers, and be subject to all the duties, so far as applicable thereto, set forth in said act, amendments and additions in respect to connecting railroads.

A description of
the land taken,
to be filed in the
registry of
deeds.

SECTION 5. Said corporation shall, within sixty days from the time it takes any land otherwise than by purchase, file in the office of the registry of deeds for the county of Suffolk a description of each parcel of land so taken, as certain as is required in a common conveyance of land, together with a statement of the purpose for which the lands are taken, which description and statement shall be signed by the president of the corporation: *provided, however*, that no land or tracks of any railroad corporation shall be taken or interfered with, except for the connection and crossings permitted by this act, without its consent. But any railroad corporation having tracks in any street or location adjacent to the lands of the corporation hereby created may, by agreement with said corporation, under the limitations of this act, re-locate its tracks either upon the lands of said corporation or upon other lands, if any, belonging to such railroad corporation as may be necessary for connections with the tracks of said corporation.

Relocation of
tracks for
purpose of mak-
ing connections.

Payment of
damages.

SECTION 6. When any real estate or other property shall be taken under the provisions of this act, said corporation shall pay all the damages occasioned thereby; and said damages shall in case the parties fail to agree upon the same be determined and recovered in the manner provided in the general laws in respect to land and real estate taken by railroad corporations for the location and making of their railroads, or for depot and station purposes: *provided*, that any person or persons or corporation, any part or portion of whose lands lying in the same body shall be taken by said corporation under this act, shall be entitled to surrender, by tender of a good and sufficient deed

Proviso.

thereof to said corporation, the residue of their said land within six months from said taking, and in that case to recover the damages occasioned by taking the whole of said parcel in the manner herein before provided.

SECTION 7. The capital stock of said corporation shall not be less than two hundred and fifty thousand dollars, nor more than two million dollars, to be fixed and increased as may be necessary from time to time by vote of the corporation, and shall be divided into shares of the par value of one hundred dollars each; but said corporation shall not take any land, or begin the transaction of business, until the whole amount of the capital stock as then fixed shall have been paid in, in cash, agreeably to the provisions of the general laws relative to corporations organized under the laws of the Commonwealth, and a certificate thereof filed in the office of the secretary of the Commonwealth as required by statutes of eighteen hundred and seventy, chapter two hundred and twenty-four, section thirty-two.

Capital stock and shares.

SECTION 8. Any railroad corporation within or without the Commonwealth, owning a railroad the tracks of which connect either directly or over intervening tracks with any railroad having its location in East Boston; any steamship company engaged in the carriage of freight between the port of Boston and any foreign port; any incorporated land transportation company, and the East Boston Company,—may subscribe for and hold stock in said East Boston Railway, Dock and Elevator Company, and in such case may be represented and vote at all meetings of said last named corporation by its president or any agent appointed by its board of directors for that purpose.

Certain corporations and companies may take and hold stock.

SECTION 9. Said corporation may issue its bonds and secure them by mortgage of its property and franchise, to any amount not exceeding two-thirds of its capital stock then paid in.

May issue bonds and secure by mortgage.

SECTION 10. This act shall take effect upon its passage.

Approved May 13, 1881.

AN ACT MAKING APPROPRIATIONS FOR THE DOUBLE TRACKING AND IMPROVEMENT OF THE TROY AND GREENFIELD RAILROAD AND HOOSAC TUNNEL.

Chap. 289

Be it enacted, etc., as follows:

SECTION 1. The sums hereinafter mentioned, to be expended under the direction of the governor and council, are appropriated, to be paid from the ordinary revenue unless otherwise ordered, for the double tracking and im-

Appropriations for double tracking railroad and tunnel.

Appropriations
for telegraph,
steam shovel,
locomotive, etc.

provement of the Troy and Greenfield Railroad and Hoosac Tunnel: — For telegraph construction purposes, a sum not exceeding two thousand dollars, to be paid from the Troy and Greenfield Railroad fund, the excess if any from the revenue. For extension of side tracks and extension of yard at North Adams, a sum not exceeding eighty-four thousand dollars. For stone ballast in the tunnel, a sum not exceeding two thousand dollars. For fifty feet of arching in the little tunnel, a sum not exceeding eight thousand five hundred dollars. For four iron plate girder bridges, a sum not exceeding four thousand dollars. For fencing, a sum not exceeding five hundred dollars. For one locomotive, a sum not exceeding six thousand dollars. For one steam shovel, a sum not exceeding seven thousand five hundred dollars. For dump cars, a sum not exceeding ten thousand dollars. For double tracking any portion of the Troy and Greenfield Railroad east of the eastern portal of the Hoosac Tunnel, a sum not exceeding two hundred thousand dollars.

SECTION 2. This act shall take effect upon its passage.

Approved May 13, 1881.

Chap. 290

AN ACT TO ESTABLISH THE SALARIES OF THE STANDING JUSTICE AND CLERK OF THE POLICE COURT OF LYNN.

Be it enacted, etc., as follows:

Salaries
established.

SECTION 1. The salary of the standing justice of the police court of Lynn, shall be one thousand six hundred dollars per year; the salary of the clerk of the police court in the city of Lynn, shall be one thousand dollars per year.

Repeal.

SECTION 2. So much of section two of chapter two hundred and thirty-four of the acts of the year eighteen hundred and seventy-nine as is inconsistent with this act is hereby repealed.

SECTION 3. This act shall take effect upon its passage.

Approved May 13, 1881.

Chap. 291

AN ACT IN RELATION TO ELECTIONS IN THE CITY OF BOSTON.

Be it enacted, etc., as follows:

Certain officers
to be appointed
for each voting
precinct.

SECTION 1. In each voting precinct in the city of Boston there shall be the following election officers, that is to say: — The mayor at some time before the first day of October in each year, shall with the approval of the board of aldermen appoint for each voting precinct one warden, one deputy warden, one clerk, one deputy clerk, two inspectors and two deputy inspectors, qualified voters

in the ward of which each precinct forms a part, who shall be men of good repute and standing, and shall equally represent each of the two leading political parties. Each of said officers shall be sworn to the faithful performance of his duties, and shall hold office for one year from said first day of October in the year in which he is appointed and until a successor is appointed or he is removed. Either of said officers may be removed at any time by the mayor, with the approval of the board of aldermen, upon written charges of incompetence or official misconduct, preferred either by the city clerk or by not less than six qualified voters of the ward in which the officer is appointed to act. In case of any vacancy occurring before the first day of November in any year, or in case either of said officers shall decline to act and shall give notice thereof to the city clerk on or before said first day of November, the mayor with the approval of the board of aldermen shall appoint some person of good repute and standing to fill said office; and in making such appointment it shall be his duty to preserve the just and equal representation of the two leading political parties in the precinct offices. Every person so appointed shall be sworn to the faithful discharge of his duties. In case of a vacancy in the office of warden, clerk or inspector of a precinct on the day of any election, the person appointed as deputy of said warden, clerk or inspector shall act in his place, and shall have the same powers and be subject to the same duties and liabilities as the officer for whom he acts. No deputy precinct officer shall have power to act in any official capacity, or while the polls are open, or during the counting of the votes, be admitted to the space reserved for the precinct officers, except while filling a vacancy as aforesaid; and he shall receive no compensation, except for attendance at the opening of the polls, or for services while acting for the officer whose place he fills. In case the warden and deputy warden, or the clerk and deputy clerk, or one of the inspectors and his deputy are absent at the time designated for the opening of the polls on the day of any election, a suitable person shall be elected by the voters of said precinct, by nomination and hand vote, with full power to act for the time being in place of the absent officer. The wardens, clerks and inspectors appointed by the mayor or otherwise, as herein provided, shall have the same powers and, except as otherwise provided, be subject to the same duties and liabilities as the wardens, clerks and inspectors now holding office in said city.

Officers to
be sworn.

May be removed
for cause.

Vacancies.

If warden, clerk,
etc., are absent,
officers to be
elected by hand
vote.

Supervisors at elections to be appointed, upon petition of voters.

Duties.

Ballot boxes and stamps.

Ballots to be sealed up.

Regulations to

SECTION 2. Upon the petition in writing of ten qualified voters of the city of Boston, presented to the mayor at least fourteen days before any election of state, county or municipal officers, he shall appoint, subject to the approval of the board of aldermen, for each voting precinct, two citizens, residents of said city, to act as supervisors at the said election of state, county or municipal officers. Said supervisors shall be appointed from each of the two leading political parties, and shall serve without compensation. Said supervisors shall attend at the several precincts for which they are appointed, and, while the polls are open, shall occupy such a position near and in view of the ballot boxes, but outside of the space occupied by the precinct officers, as the warden may designate. After the polls are closed the said supervisors shall be admitted within the enclosed space occupied by the precinct officers, and shall witness the counting of the ballots and the delivery of the check lists and ballots to the officers designated to receive the same; and they shall, within twenty-four hours after the closing of the polls, send to the city clerk, upon a form provided for that purpose, a certificate of the fact of their attendance at the polls, and a statement of the manner in which the election was conducted, together with such other information as the city clerk may require.

SECTION 3. The city clerk shall send to the officers of each precinct, before the opening of the polls on every election day, such stamps and ballot boxes as may be approved by the board of aldermen. No ballot shall be removed from the ballot box in any precinct while the polls are open, and the ballots, upon the closing of the polls, shall be counted by the precinct officers in the presence of the supervisors. Nothing herein contained shall exclude the voters of the precinct while the ballots are being counted. Immediately after the closing of the polls the precinct officers shall cause the check lists in their respective precincts to be sealed up and delivered to a police officer, who shall convey the same forthwith to the office of the city clerk. After the ballots have been counted they shall be sealed up in an envelope, as now provided by law, or in the ballot boxes if the board of aldermen shall so direct; and such envelopes or boxes shall then be endorsed as now provided by law, and shall forthwith be delivered to a police officer, who shall convey the same without delay to the office of the city clerk. The board of aldermen may pass such regulations in re-

gard to the use of the stamps and ballot boxes, and the manner of receiving, counting and returning the votes, as they may deem expedient, provided such regulations are not inconsistent with the provisions of law; and if any person wilfully neglects or refuses to comply with any of such regulations, he shall be punished by a fine not exceeding one hundred dollars, or by imprisonment in the house of correction not exceeding six months.

be observed,
under penalty.

SECTION 4. It shall be the duty of the superintendent or other chief executive officer of the police force of said city, under the direction of the police commissioners, to detail a sufficient number of police officers, not less than two for each voting precinct, who shall be stationed at such voting precincts on the day of election, to preserve order and to protect each and all of said election officers and supervisors from any interference with, or obstruction in, the performance of their respective duties.

Police officers
to be present
voting places.

SECTION 5. Whoever wilfully obstructs any officer mentioned in this act in the performance of his duties, and whoever being an election officer named in this act shall wilfully or negligently violate any of the provisions of this act, or of any act of which this is an amendment, or to which it is an addition, or of any act in addition thereto and in amendment thereof, he shall for each offence be punished by a fine of not less than twenty nor more than two hundred dollars, or by imprisonment in the house of correction for a term not exceeding one year.

Penalty for neg-
lect of official
duty, and for
obstructing
officer in per-
formance of
duty.

SECTION 6. All acts or parts of acts inconsistent herewith are hereby repealed.

Repealed.

SECTION 7. This act shall take effect upon its passage.

Approved May 13, 1881.

AN ACT TO PREVENT DECEPTION IN SALES OF BUTTER AND CHEESE.

Chap. 292

Be it enacted, etc., as follows:

SECTION 1. Whoever, by himself or his agents, shall sell, expose for sale, or have in his possession with intent to sell, any article, substance or compound, made in imitation or semblance of butter or as a substitute for butter, and not made exclusively and wholly of milk or cream, or containing any fats, oils or grease not produced from milk or cream, shall have the words "adulterated butter," or if such substitute is the compound known as oleomargarine, then the word "oleomargarine," stamped, labelled or marked, in printed letters of plain Roman type not less than one inch in length, so that said word cannot

Sale of an imita-
tion of butter.

Oleomargarine.

be easily defaced, upon the top and side of every tub, firkin, box or package containing any of said article, substance or compound. And in case of retail sales of any of said article, substance or compound not in the original packages, the seller, by himself or his agents, shall attach to each package so sold at retail, and deliver with said package to the purchaser, a label or wrapper bearing in a conspicuous place upon the outside of said package the words "adulterated butter," or the word "oleomargarine," as herein provided, in printed letters of plain Roman type not less than one-half inch in length.

Packages to be labelled.

SECTION 2. Whoever, by himself or his agents, shall sell, expose for sale, or have in his possession with intent to sell, any article, substance or compound, made in imitation or semblance of cheese, or as a substitute for cheese, and not made exclusively and wholly of milk or cream, or containing any fats, oils or grease not produced from milk or cream, shall have the words "imitation cheese," stamped, labelled or marked, in printed letters of plain Roman type not less than one inch in length, so that said words cannot be easily defaced, upon the side of every cheese cloth or band around the same, and upon the top and side of every tub, firkin, box or package containing any of said article, substance or compound. And in case of retail sales of any of said article, substance or compound not in the original packages, the seller, by himself or his agents, shall attach to each package so sold at retail, and deliver with said package to the purchaser, a label or wrapper bearing in a conspicuous place upon the outside of said package the words "imitation cheese," in printed letters of plain Roman type not less than one-half inch in length.

Sale of an imitation of cheese.

Packages to be labelled.

Penalties.

SECTION 3. Whoever sells, exposes for sale, or has in his possession with intent to sell, any article, substance or compound made in imitation or semblance of butter or as a substitute for butter, except as provided in section one; whoever sells, exposes for sale, or has in his possession with intent to sell, any article, substance or compound made in imitation or semblance of cheese, or as a substitute for cheese, except as provided in section two, and whoever shall deface, erase, cancel or remove any mark, stamp, brand, label or wrapper provided for by this act, or change the contents of any box, tub, article or package marked, stamped or labelled as aforesaid, with intent to deceive as to the contents of said box, tub, article or package, shall for every such offence forfeit and pay a fine of

one hundred dollars, and for a second and each subsequent offence a fine of two hundred dollars, to be recovered with costs in any court of this Commonwealth of competent jurisdiction; and any fine paid shall go to the city or town where the offence was committed.

SECTION 4. It shall be the duty of every inspector of milk to institute complaint for violating the provisions of this act whenever he has reasonable cause for suspicion, and on the information of any person who shall lay before him satisfactory evidence on which to sustain the same. It shall be the duty of said inspector to take specimens of suspected butter or cheese, and cause the same to be analyzed or otherwise satisfactorily tested, the result of which he shall record and preserve as evidence; and a certificate of such result, sworn to by the analyzer, shall be admitted in evidence in all prosecutions under this act. The expense of such analysis or test, not exceeding twenty dollars in any one case, may be included in the costs of prosecution.

Inspectors of milk to make complaints.

SECTION 5. For the purposes of this act the terms "butter," and "cheese," shall be understood to mean the products usually known by these names, and which are manufactured exclusively from milk or cream, or both, with salt and rennet, and with or without coloring matter.

"Butter" and "cheese" defined.

SECTION 6. All acts and parts of acts inconsistent herewith are hereby repealed.

Repeal.

SECTION 7. This act shall take effect upon its passage.

Approved May 13, 1881.

AN ACT CONCERNING THE PREPARATION, PRINTING AND DISTRIBUTION OF PUBLIC DOCUMENTS.

Chap. 293

Be it enacted, etc., as follows:

SECTION 1. There shall be printed annually, on or before the assembling of the legislature, or as soon thereafter as possible, the number of copies of documents and reports specified in the following list; the same to be numbered in a series called Public Documents, and distributed as herein provided; and said reports shall be made as brief as may be without omitting any facts or information which the officer or department making the report is required by law to furnish therein, and shall be transmitted to the legislature through the office of the secretary of the Commonwealth; and no larger number than is herein provided for shall be printed at the expense of the Commonwealth, nor be paid for out of any contingent fund, nor the earnings of any department or insti-

Printing and distribution of public documents.

tution, the earnings of which are the property of the Commonwealth; and no bill for printing any larger number shall be approved by the auditor nor be paid out of any funds belonging to the Commonwealth.

Registration.	Registration of births, marriages and deaths, three thousand copies.
Education.	Report of secretary of board of education, four thousand copies.
State library.	Report of librarian of state library, one thousand copies.
Agriculture.	Report of secretary of board of agriculture, eight thousand copies.
Treasurer.	Report of treasurer and receiver-general, one thousand copies.
Auditor.	Report of auditor of accounts, one thousand two hundred and fifty copies.
Adjutant-general.	Report of adjutant general, one thousand seven hundred and fifty copies.
Savings banks.	Report of savings bank commissioners, one thousand five hundred copies.
County officers.	Report of savings bank commissioners on the accounts of county officers, one thousand copies.
Fire insurance.	Report of insurance commissioner on fire insurance, two thousand copies.
Life insurance.	Report of insurance commissioner on life insurance, two thousand five hundred copies; five hundred to be placed at disposal of commissioner.
Corporations.	Abstract of returns of corporations, two thousand copies.
Harbor and land commissioners.	Report of harbor and land commissioners, one thousand five hundred copies; five hundred to be placed at disposal of commissioners.
Attorney-general.	Report of attorney general, one thousand copies.
Prisons.	Report of board of commissioners of prisons, one thousand seven hundred and fifty copies; and five hundred additional of that part referring to the reformatory prison for women, for the use of the superintendent; five hundred copies additional of that part referring to the state prison, for the use of the warden; and two hundred and fifty copies of that part referring to the agent for aiding discharged convicts, for the use of said agent.
Railroads.	Report of railroad commissioners and returns of railroad corporations, one thousand five hundred copies; of report of railroad commissioners without returns, one thousand seven hundred and fifty copies.
Labor.	Report of bureau of statistics on the subject of labor, four thousand copies.
Tax commissioner.	Report of tax commissioner, one thousand five hundred copies.

Report of state board of health, lunacy and charity, two thousand copies.	Health, lunacy and charity.
Supplementary report of the health department of the same, four thousand five hundred copies.	Health department.
Report of the trustees of state primary and reform schools, one thousand five hundred copies.	Primary and reform schools.
Aggregates of polls, property and taxes, one thousand five hundred copies.	Polls, property and taxes.
Reports of trustees of lunatic hospitals at Northampton, Taunton, Worcester, Danvers, and the state workhouse at Bridgewater, one thousand copies each.	Lunatic hospitals.
Report of commissioners of inland fisheries, two thousand copies.	Inland fisheries.
Report of board of trustees of the state almshouse, one thousand copies.	State almshouse.
Reports of trustees of Perkins institution and Massachusetts school for the blind, and of school for idiotic and feeble minded youth, one thousand copies each.	Blind asylum.
Provided, that there shall be printed of the report of the secretary of the board of agriculture for the year eighteen hundred and eighty, ten thousand copies, twenty copies of which shall be distributed to each member of the legislature; and of the supplementary report of the health department of the board of health, lunacy and charity, for the year eighteen hundred and eighty, four thousand five hundred copies, seven copies of which shall be distributed to each member of the legislature.	Agriculture. Health department.
SECTION 2. The state printers are authorized to retain five hundred copies of each of the series of public documents named in section one of this act, for binding in sets, the secretary of the Commonwealth being authorized to furnish as heretofore one set to each city and town, and one set to such public and other libraries as he in his discretion may select. And all public documents, the distribution of which is not otherwise provided for, shall be distributed under direction and at the discretion of the secretary of the Commonwealth, and the secretaries or heads of the several boards and departments.	Five hundred copies to be bound in sets. Distribution.
SECTION 3. There shall also be printed the following: —	
Of the Manual of the General Court, to be prepared each year by the clerks of the two branches, four thousand five hundred copies.	Manual.
Of the lists of members and committees of the General Court, to be prepared each year by the clerks of the two branches, one thousand five hundred copies, three hundred	Lists of members and committees.

and fifty of which shall be bound in memorandum book form, for the use of members and officers of the legislature.

"Blue Book,"
Pamphlet edition of the laws.

Of the "Blue Book," four thousand five hundred copies.
Of the pamphlet edition of the laws and resolves, which shall hereafter contain all the acts and resolves passed by the legislature, twenty-two thousand copies.

Governor's address.

Of the governor's address, in addition to the nine hundred copies printed for the use of the legislature, one thousand one hundred copies; five hundred of which shall be for the personal use of the governor.

Election sermon.

Of the election sermon, one thousand copies; one hundred of which shall be for the personal use of the preacher.

Agricultural college.

Of the report of the trustees of the agricultural college, in addition to the nine hundred copies printed for the use of the legislature, three hundred and fifty copies for the use of the college.

Distribution of documents.

SECTION 4. Each member of the executive and legislative departments, the clerks of both branches of the legislature, and each reporter assigned a seat in either branch of the legislature, shall be entitled to receive one copy of each of the documents named in this act.

Eight copies of the Manual shall be distributed to each member of the General Court, and three hundred copies be reserved for the succeeding General Court, and one copy sent to each of the free and public libraries throughout the state; and the remaining copies of the Manual, and list of members and committees, shall be in charge of the clerks of the two branches, to be distributed at their discretion, members of the legislature and state officers to be entitled to first consideration.

Each member of the legislature and the clerks of both branches shall also be entitled to receive the following additional number of copies of documents; of the report of the secretary of the board of agriculture, twelve copies, of the supplementary report of the health department of the board of health, lunacy and charity, seven copies, of the report of the bureau of statistics on the subject of labor, seven copies, of the "Blue Book," seven copies, of the report of the secretary of the board of education, five copies.

sale of documents.

SECTION 5. All public documents now on sale are released therefrom, except the provincial and special laws.

Repeal.

SECTION 6. Chapter one hundred and ninety-three of the acts of eighteen hundred and eighty is hereby repealed.

SECTION 7. This act shall take effect upon its passage.

Approved May 13, 1881.

AN ACT TO APPORTION AND ASSESS A STATE TAX OF ONE MILLION
FIVE HUNDRED THOUSAND DOLLARS. *Chap. 294*

Be it enacted, etc., as follows:

SECTION 1. Each city and town in this Commonwealth shall be assessed and pay the several sums with which they stand respectively charged in the following schedule, that is to say:—

State tax of
\$1,500,000.

BARNSTABLE COUNTY.

Barnstable
County.

Barnstable . .	Two thousand three hundred and forty dollars	\$2,340 00
Brewster . .	Six hundred and fifteen dollars . .	615 00
Chatham . .	Seven hundred and fifty dollars . .	750 00
Dennis . .	One thousand three hundred and eighty dollars	1,380 00
Eastham . .	One hundred and ninety-five dollars,	195 00
Falmouth . .	Two thousand and fifty-five dollars,	2,055 00
Harwich . .	Nine hundred and seventy-five dollars	975 00
Mashpee . .	Ninety dollars	90 00
Orleans . .	Four hundred and fifty dollars . .	450 00
Provincetown .	One thousand six hundred and fifty dollars	1,650 00
Sandwich . .	One thousand two hundred and fifteen dollars	1,215 00
Truro . .	Two hundred and seventy dollars . .	270 00
Wellfleet . .	Eight hundred and ten dollars . .	810 00
Yarmouth . .	One thousand two hundred and sixty dollars	1,260 00
		<u>\$14,055 00</u>

BERKSHIRE COUNTY.

Berkshire
County.

Adams . .	One thousand eight hundred and ninety dollars	\$1,890 00
Alford . .	Two hundred and forty dollars . .	240 00
Becket . .	Four hundred and twenty dollars . .	420 00
Cheshire . .	Nine hundred and fifteen dollars . .	915 00
Clarksburg . .	Two hundred and twenty-five dollars,	225 00

Berkshire
County.

BERKSHIRE COUNTY—CONCLUDED.

Dalton . . .	One thousand and ninety-five dollars,	\$1,095 00
Egremont . . .	Five hundred and ten dollars . . .	510 00
Florida . . .	One hundred and eighty dollars . . .	180 00
Great Barrington,	Two thousand eight hundred and sixty-five dollars	2,865 00
Hancock . . .	Three hundred and seventy-five dol- lars	375 00
Hinsdale . . .	Seven hundred and twenty dollars . . .	720 00
Lanesborough . .	Six hundred and sixty dollars . . .	660 00
Lee	One thousand six hundred and eighty dollars	1,680 00
Lenox	One thousand two hundred dollars . . .	1,200 00
Monterey . . .	Two hundred and forty dollars . . .	240 00
Mt. Washington,	Seventy-five dollars	75 00
New Ashford . .	Seventy-five dollars	75 00
New Marlborough	Seven hundred and twenty dollars . . .	720 00
North Adams . .	Three thousand six hundred and forty-five dollars	3,645 00
Otis	Two hundred and forty dollars . . .	240 00
Peru	One hundred and thirty-five dollars . .	135 00
Pittsfield . . .	Seven thousand five hundred and ninety dollars	7,590 00
Richmond . . .	Four hundred and ninety-five dollars,	495 00
Sandisfield . . .	Three hundred and seventy-five dollars	375 00
Savoy	One hundred and ninety-five dollars,	195 00
Sheffield . . .	One thousand and five dollars . . .	1,005 00
Stockbridge . . .	Two thousand three hundred and fifty- five dollars	2,355 00
Tyringham . . .	Two hundred and twenty-five dollars,	225 00
Washington . . .	Two hundred and ten dollars . . .	210 00
W. Stockbridge . .	Seven hundred and fifty dollars . . .	750 00
Williamstown . .	One thousand five hundred and sixty dollars	1,560 00
Windsor	One hundred and ninety-five dollars,	195 00
		\$33,060 00

BRISTOL COUNTY.

Bristol County.

Acushnet . .	Five hundred and ten dollars . .	\$510 00
Attleborough . .	Three thousand eight hundred and eighty-five dollars	3,885 00
Berkley . .	Two hundred and seventy dollars . .	270 00
Dartmouth . .	One thousand five hundred and seventy-five dollars	1,575 00
Dighton . .	Seven hundred and five dollars . .	705 00
Easton . .	Two thousand four hundred and ninety dollars	2,490 00
Fairhaven . .	One thousand three hundred and thirty-five dollars	1,335 00
Fall River . .	Forty thousand and sixty-five dollars,	40,065 00
Freetown . .	Six hundred and thirty dollars . .	630 00
Mansfield . .	One thousand and five dollars . . .	1,005 00
New Bedford . .	Twenty-one thousand eight hundred and seventy dollars	21,870 00
Norton . .	Seven hundred and thirty-five dollars,	735 00
Raynham . .	One thousand and fifty dollars . .	1,050 00
Rehoboth . .	Six hundred and ninety dollars . .	690 00
Seekonk . .	Five hundred and twenty-five dollars,	525 00
Somerset . .	Nine hundred dollars	900 00
Swanzy . .	Five hundred and eighty-five dollars,	585 00
Taunton . .	Fourteen thousand three hundred and fifty-five dollars	14,355 00
Westport . .	One thousand two hundred and thirty dollars	1,230 00
		\$94,410 00

DUKES COUNTY.

Dukes County.

Chilmark . .	Two hundred and fifty-five dollars . .	\$255 00
Edgartown . .	One thousand four hundred and fifty-five dollars	1,455 00
Gay Head . .	Fifteen dollars	15 00
Gosnold . .	One hundred and fifty dollars . .	150 00
Tisbury . .	Six hundred dollars	600 00
		\$2,475 00

Essex County.

ESSEX COUNTY.

Amesbury . .	One thousand five hundred and thirty dollars	\$1,530 00
Andover . .	Three thousand two hundred and twenty-five dollars	3,225 00
Beverly . .	Seven thousand one hundred and forty dollars	7,140 00
Boxford . .	Five hundred and ten dollars . .	510 00
Bradford . .	One thousand one hundred and seventy dollars	1,170 00
Danvers . .	Three thousand two hundred and ten dollars	3,210 00
Essex . .	Eight hundred and twenty-five dollars	825 00
Georgetown .	Nine hundred dollars	900 00
Gloucester .	Seven thousand five hundred dollars,	7,500 00
Groveland . .	Seven hundred and fifty dollars .	750 00
Hamilton . .	Four hundred and fifty dollars .	450 00
Haverhill . .	Nine thousand dollars	9,000 00
Ipswich . .	One thousand eight hundred and fifteen dollars	1,815 00
Lawrence . .	Eighteen thousand nine hundred and forty-five dollars	18,945 00
Lynn . .	Twenty-two thousand three hundred and eighty dollars	22,380 00
Lynnfield . .	Six hundred and seventy-five dollars,	675 00
Manchester .	One thousand four hundred and seventy dollars	1,470 00
Marblehead .	Three thousand five hundred and fifty-five dollars	3,555 00
Merrimac . .	Eight hundred and forty dollars .	840 00
Methuen . .	Two thousand and ten dollars . .	2,010 00
Middleton . .	Four hundred and five dollars . .	405 00
Nahant . .	Six thousand two hundred and ten dollars	6,210 00
Newbury . .	Eight hundred and fifty-five dollars,	855 00
Newburyport .	Six thousand five hundred and fifty-five dollars	6,555 00
North Andover .	One thousand eight hundred and sixty dollars	1,860 00
Peabody . .	Five thousand four hundred and seventy-five dollars	5,475 00

ESSEX COUNTY—CONCLUDED.

Essex County.

Rockport . .	One thousand eight hundred and thirty dollars	\$1,830 00
Rowley . .	Four hundred and eighty dollars . .	480 00
Salem . .	Twenty-two thousand and thirty-five dollars	22,035 00
Salisbury . .	One thousand eight hundred and forty-five dollars	1,845 00
Saugus . .	One thousand five hundred and thirty dollars	1,530 00
Swampscott . .	Two thousand one hundred and forty-five dollars	2,145 00
Topsfield . .	Six hundred and forty-five dollars . .	645 00
Wenham . .	Four hundred and ninety-five dollars,	495 00
West Newbury . .	Nine hundred and thirty dollars . .	930 00
		\$141,195 00

FRANKLIN COUNTY.

Franklin County.

Ashfield . .	Four hundred and sixty-five dollars .	\$465 00
Bernardston . .	Three hundred and sixty dollars . .	360 00
Buckland . .	Five hundred and twenty-five dollars,	525 00
Charlemont . .	Three hundred and fifteen dollars . .	315 00
Colrain . .	Five hundred and eighty-five dollars,	585 00
Conway . .	Six hundred and ninety dollars . .	690 00
Deerfield . .	One thousand four hundred and twenty-five dollars	1,425 00
Erving . .	Three hundred dollars	300 00
Gill . .	Four hundred and five dollars	405 00
Greenfield . .	Two thousand six hundred and fifty-five dollars	2,655 00
Hawley . .	One hundred and fifty dollars	150 00
Heath . .	One hundred and sixty-five dollars . .	165 00
Leverett . .	Two hundred and eighty-five dollars,	285 00
Leyden . .	One hundred and ninety-five dollars,	195 00
Monroe . .	Forty-five dollars	45 00

Franklin
County.

FRANKLIN COUNTY—CONCLUDED.

Montague . .	One thousand seven hundred and twenty-five dollars	\$1,725 00
New Salem . .	Two hundred and eighty-five dollars,	285 00
Northfield . .	Six hundred and forty-five dollars .	645 00
Orange . . .	One thousand three hundred and thirty-five dollars	1,335 00
Rowe	One hundred and fifty dollars . . .	150 00
Shelburne . .	Seven hundred and ninety-five dollars	795 00
Shutesbury . .	One hundred and fifty dollars . . .	150 00
Sunderland . .	Four hundred and five dollars . . .	405 00
Warwick . . .	Two hundred and fifty-five dollars .	255 00
Wendell . . .	One hundred and fifty dollars . . .	150 00
Whately . . .	Six hundred and sixty dollars . . .	660 00
		\$15,120 00

Hampden
County.

HAMPDEN COUNTY.

Agawam . . .	One thousand and sixty-five dollars,	\$1,065 00
Blandford . .	Three hundred and forty-five dollars,	345 00
Brimfield . .	Four hundred and ninety-five dollars,	495 00
Chester . . .	Four hundred and sixty-five dollars .	465 00
Chicopee . . .	Four thousand eight hundred and forty-five dollars	4,845 00
Granville . . .	Three hundred and sixty dollars . .	360 00
Holland . . .	One hundred and five dollars	105 00
Holyoke . . .	Eight thousand six hundred and forty dollars	8,640 00
Longmeadow .	One thousand one hundred and forty dollars	1,140 00
Ludlow	Four hundred and sixty-five dollars,	465 00
Monson	One thousand two hundred and fif- teen dollars	1,215 00
Montgomery .	One hundred and twenty dollars . .	120 00

HAMPDEN COUNTY—CONCLUDED.

Hampden
County.

Palmer . . .	One thousand five hundred and sixty dollars	\$1,560 00
Russell . . .	Three hundred and forty-five dollars,	345 00
Southwick . .	Five hundred and twenty-five dollars,	525 00
Springfield . .	Thirty-three thousand and forty-five dollars	33,045 00
Tolland . . .	One hundred and ninety-five dollars,	195 00
Wales	Three hundred and seventy-five dollars	375 00
Westfield . . .	Five thousand nine hundred and fifty-five dollars	5,955 00
West Springfield,	Two thousand four hundred and ninety dollars	2,490 00
Wilbraham . .	Eight hundred and twenty-five dollars,	825 00
		\$64,575 00

HAMPSHIRE COUNTY.

Hampshire
County.

Amherst . . .	Two thousand one hundred and fifteen dollars	\$2,115 00
Belchertown . .	Nine hundred dollars	900 00
Chesterfield . .	Two hundred and seventy dollars . .	270 00
Cummington . .	Three hundred and sixty dollars . .	360 00
Easthampton . .	Two thousand one hundred and fifteen dollars	2,115 00
Enfield	Six hundred and thirty dollars . . .	630 00
Goshen	One hundred and five dollars	105 00
Granby	Four hundred and thirty-five dollars,	435 00
Greenwich . . .	Two hundred and fifty-five dollars . .	255 00
Hadley	One thousand two hundred and fifteen dollars	1,215 00
Hatfield	One thousand and sixty-five dollars .	1,065 00
Huntington . .	Four hundred and thirty-five dollars,	435 00
Middlefield . .	Three hundred and fifteen dollars . .	315 00
Northampton . .	Six thousand three hundred and forty-five dollars	6,345 00

Hampshire
County.

HAMPSHIRE COUNTY—CONCLUDED.

Pelham . . .	One hundred and fifty dollars . . .	\$150 00
Plainfield . . .	One hundred and ninety-five dollars,	195 00
Prescott . . .	One hundred and sixty-five dollars .	165 00
South Hadley . .	One thousand five hundred and seventy-five dollars	1,575 00
Southampton . .	Four hundred and twenty dollars .	420 00
Ware	One thousand six hundred and five dollars	1,605 00
Westhampton . .	Two hundred and forty dollars .	240 00
Williamsburg . .	One thousand one hundred and forty dollars	1,140 00
Worthington . .	Three hundred dollars	300 00
		\$22,350 00

Middlesex
County.

MIDDLESEX COUNTY.

Acton	One thousand and eighty dollars .	\$1,080 00
Arlington	Five thousand and ten dollars . .	5,010 00
Ashby	Four hundred and fifty dollars .	450 00
Ashland	One thousand two hundred and fif- teen dollars	1,215 00
Ayer	Nine hundred and fifteen dollars .	915 00
Bedford	Six hundred and fifteen dollars .	615 00
Belmont	Three thousand three hundred and sixty dollars	3,360 00
Billerica	One thousand four hundred and twenty-five dollars	1,425 00
Boxborough . . .	Two hundred and twenty-five dollars,	225 00
Burlington	Four hundred and thirty-five dollars,	435 00
Cambridge	Fifty-two thousand one hundred and fifty-five dollars	52,155 00
Carlisle	Three hundred and fifteen dollars .	315 00
Chelmsford	One thousand two hundred and forty- five dollars	1,245 00
Concord	Two thousand five hundred and twenty dollars	2,520 00
Dracut	Eight hundred and forty dollars .	840 00

MIDDLESEX COUNTY — CONTINUED.

Middlesex
County.

Dunstable . .	Two hundred and eighty-five dollars,	\$285 00
Everett . .	Three thousand four hundred and eighty dollars	3,480 00
Framingham . .	Three thousand nine hundred and fifteen dollars	3,915 00
Groton . .	One thousand eight hundred and thirty dollars	1,830 00
Holliston . .	One thousand five hundred and sixty dollars	1,560 00
Hopkinton . .	One thousand nine hundred and twenty dollars	1,920 00
Hudson . .	One thousand four hundred and twenty-five dollars	1,425 00
Lexington . .	Two thousand four hundred and forty-five dollars	2,445 00
Lincoln . .	Seven hundred and five dollars . .	705 00
Littleton . .	Six hundred and thirty dollars . .	630 00
Lowell . .	Thirty-one thousand six hundred and fifty dollars	31,650 00
Malden . .	Seven thousand eight hundred dollars,	7,800 00
Marlborough . .	Two thousand eight hundred and twenty dollars	2,820 00
Maynard . .	One thousand and ninety-five dollars,	1,095 00
Medford . .	Seven thousand six hundred and ninety-five dollars	7,695 00
Melrose . .	Three thousand five hundred and seventy dollars	3,570 00
Natick . .	Three thousand one hundred and five dollars	3,105 00
Newton . .	Twenty-four thousand one hundred and twenty dollars	24,120 00
North Reading . .	Three hundred and seventy-five dol- lars	375 00
Pepperell . .	One thousand two hundred dollars . .	1,200 00
Reading . .	One thousand nine hundred and fifty dollars	1,950 00
Sherborn . .	Seven hundred and fifty dollars . .	750 00
Shirley . .	Seven hundred and ninety-five dollars,	795 00
Somerville . .	Twenty-three thousand one hundred and sixty dollars	23,160 00
Stoneham . .	Two thousand five hundred and eighty dollars	2,580 00
Stow . .	Five hundred and eighty-five dollars,	585 00
Sudbury . .	Eight hundred and forty dollars . .	840 00

Middlesex
County.

MIDDLESEX COUNTY — CONCLUDED.

Tewksbury .	Seven hundred and fifty dollars .	\$750 00
Townsend .	Six hundred and ninety dollars .	690 00
Tyngsborough .	Two hundred and fifty-five dollars .	255 00
Wakefield .	Three thousand eight hundred and ten dollars	3,810 00
Waltham .	Eight thousand two hundred and five dollars	8,205 00
Watertown .	Six thousand four hundred and twenty dollars	6,420 00
Wayland .	Nine hundred and thirty dollars .	930 00
Westford .	Nine hundred and thirty dollars .	930 00
Weston .	One thousand three hundred and eighty dollars	1,380 00
Wilmington .	Four hundred and fifty dollars .	450 00
Winchester .	Three thousand seven hundred and sixty-five dollars	3,765 00
Woburn .	Seven thousand one hundred and twenty-five dollars	7,125 00
		\$238,800 00

Nantucket
County.

NANTUCKET COUNTY.

Nantucket .	One thousand nine hundred and ninety-five dollars	\$1,995 00
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Norfolk County.

NORFOLK COUNTY.

Bellingham .	Four hundred and fifty dollars .	\$450 00
Braintree .	Two thousand two hundred and fifty dollars	2,250 00
Brookline .	Twenty-three thousand seven hun- dred and fifteen dollars	23,715 00
Canton .	Two thousand six hundred and ten dollars	2,610 00
Cohasset .	One thousand nine hundred and twenty dollars	1,920 00
Dedham .	Four thousand nine hundred and ninety-five dollars	4,995 00
Dover .	Three hundred and sixty dollars .	360 00
Foxborough .	One thousand four hundred and fifty- five dollars	1,455 00

NORFOLK COUNTY — C O N C L U D E D.

Norfolk County.

Franklin . .	One thousand two hundred and forty-five dollars	\$1,245 00
Holbrook . .	One thousand two hundred and ninety dollars	1,290 00
Hyde Park . .	Five thousand two hundred and thirty-five dollars	5,235 00
Medfield . .	Eight hundred and forty dollars . .	840 00
Medway . .	One thousand five hundred and thirty dollars	1,530 00
Milton . .	Six thousand four hundred and twenty dollars	6,420 00
Needham . .	Three thousand six hundred and sixty dollars	3,660 00
Norfolk . .	Four hundred and sixty-five dollars .	465 00
Norwood . .	One thousand four hundred and ten dollars	1,410 00
Quincy . .	Five thousand eight hundred and fifty dollars	5,850 00
Randolph . .	Two thousand and fifty-five dollars .	2,055 00
Sharon . .	Seven hundred and ninety-five dollars,	795 00
Stoughton . .	Two thousand and eighty-five dollars,	2,085 00
Walpole . .	One thousand two hundred and forty-five dollars	1,245 00
Weymouth . .	Five thousand and seventy dollars .	5,070 00
Wrentham . .	Nine hundred and seventy-five dollars,	975 00
		<hr/> \$77,925 00

PLYMOUTH COUNTY.

Plymouth
County.

Abington . .	One thousand four hundred and ten dollars	\$1,410 00
Bridgewater . .	Two thousand one hundred and forty-five dollars	2,145 00
Brockton . .	Four thousand six hundred and ninety-five dollars	4,695 00
Carver . .	Four hundred and ninety-five dollars,	495 00
Duxbury . .	One thousand one hundred and twenty-five dollars	1,125 00
E. Bridgewater . .	One thousand one hundred and fifty-five dollars	1,155 00
Halifax . .	Two hundred and fifty-five dollars .	255 00
Hanover . .	Eight hundred and twenty-five dollars	825 00

Plymouth
County.

PLYMOUTH COUNTY—CONCLUDED.

Hanson . . .	Four hundred and ninety-five dollars,	\$195 00
Hingham . . .	Two thousand nine hundred and twenty-five dollars	2,925 00
Hull	Four hundred and eighty dollars .	480 00
Kingston . . .	One thousand three hundred and ninety-five dollars	1,395 00
Lakeville . . .	Four hundred and eighty dollars .	480 00
Marion	Four hundred and five dollars . .	405 00
Marshfield . .	Eight hundred and twenty-five dol- lars	825 00
Mattapoisett .	One thousand and twenty dollars .	1,020 00
Middleborough .	Two thousand one hundred and sixty dollars	2,160 00
Pembroke . . .	Six hundred dollars	600 00
Plymouth . . .	Three thousand seven hundred and twenty dollars	3,720 00
Plympton . . .	Two hundred and seventy dollars .	270 00
Rochester . . .	Four hundred and twenty dollars .	420 00
Rockland . . .	One thousand seven hundred and twenty-five dollars	1,725 00
Scituate	One thousand two hundred and fif- teen dollars	1,215 00
South Abington .	One thousand one hundred and seventy dollars	1,170 00
South Scituate .	Nine hundred and thirty dollars .	930 00
Wareham	Nine hundred and seventy-five dol- lars	975 00
W. Bridgewater .	Seven hundred and eighty dollars .	780 00
		\$34,095 00

Suffolk County.

SUFFOLK COUNTY.

Boston	Six hundred and nineteen thousand one hundred and ten dollars . . .	\$619,110 00
Chelsea	Fourteen thousand seven hundred and thirty dollars	14,730 00
Revere	One thousand five hundred and sixty dollars	1,560 00
Winthrop . . .	Eight hundred and forty dollars .	840 00
		\$636,240 00

WORCESTER COUNTY.

Worcester
County.

Ashburnham . .	Nine hundred and forty-five dollars .	\$945 00
Athol . .	Two thousand three hundred and fifty-five dollars	2,355 00
Auburn . .	Four hundred and ninety-five dollars,	495 00
Barre . .	One thousand five hundred and ninety dollars	1,590 00
Berlin . .	Four hundred and twenty dollars .	420 00
Blackstone . .	One thousand seven hundred and eighty-five dollars	1,785 00
Bolton . .	Four hundred and sixty-five dollars .	465 00
Boylston . .	Four hundred and eighty dollars .	480 00
Brookfield . .	One thousand one hundred and eighty-five dollars	1,185 00
Charlton . .	Eight hundred and forty dollars .	840 00
Clinton . .	Three thousand seven hundred and five dollars	3,705 00
Dana . .	Two hundred and fifty-five dollars .	255 00
Douglas . .	Seven hundred and ninety-five dol- lars	795 00
Dudley . .	Eight hundred and eighty-five dollars,	885 00
Fitchburg . .	Ten thousand six hundred and thirty- five dollars	10,635 00
Gardner . .	One thousand seven hundred and seventy dollars	1,770 00
Grafton . .	One thousand six hundred and thirty- five dollars	1,635 00
Hardwick . .	Nine hundred and fifteen dollars .	915 00
Harvard . .	Nine hundred and fifteen dollars .	915 00
Holden . .	Eight hundred and twenty-five dol- lars	825 00
Hubbardston . .	Seven hundred and thirty-five dollars,	735 00
Lancaster . .	One thousand nine hundred and five dollars	1,905 00
Leicester . .	One thousand seven hundred and eighty-five dollars	1,785 00
Leominster . .	Three thousand two hundred and twenty-five dollars	3,225 00
Lunenburg . .	Six hundred and forty-five dollars .	645 00
Mendon . .	Five hundred and fifty-five dollars .	555 00
Milford . .	Four thousand two hundred and ninety dollars	4,290 00

Worcester
County.

WORCESTER COUNTY — CONTINUED.

Millbury . . .	Two thousand two hundred and five dollars	\$2,205 00
New Braintree . .	Four hundred and five dollars . . .	405 00
Northborough . .	One thousand and sixty-five dollars .	1,065 00
Northbridge . . .	One thousand eight hundred and seventy-five dollars	1,875 00
North Brookfield,	One thousand five hundred and sixty dollars	1,560 00
Oakham	Three hundred dollars	300 00
Oxford	One thousand two hundred and ninety dollars	1,290 00
Paxton	Two hundred and seventy dollars .	270 00
Petersham	Five hundred and eighty-five dollars,	585 00
Phillipston	Two hundred and seventy dollars .	270 00
Princeton	Seven hundred and sixty-five dollars,	765 00
Royalston	Six hundred and thirty dollars .	630 00
Rutland	Three hundred and ninety dollars .	390 00
Shrewsbury	Nine hundred and forty-five dollars,	945 00
Southborough . . .	One thousand one hundred and fifty-five dollars	1,155 00
Southbridge	Two thousand six hundred and twenty-five dollars	2,625 00
Spencer	Two thousand three hundred and ten dollars	2,310 00
Sterling	Nine hundred and sixty dollars .	960 00
Sturbridge	Nine hundred and sixty dollars .	960 00
Sutton	One thousand two hundred and thirty dollars	1,230 00
Templeton	One thousand one hundred and ten dollars	1,110 00
Upton	Seven hundred and thirty-five dollars,	735 00
Uxbridge	One thousand five hundred and thirty dollars	1,530 00
Warren	One thousand three hundred and five dollars	1,305 00
Webster	Two thousand one hundred dollars .	2,100 00
Westborough	Two thousand and twenty-five dollars,	2,025 00
West Boylston . . .	Nine hundred and ninety dollars .	990 00

WORCESTER COUNTY—CONCLUDED.

Worcester
County.

West Brookfield .	Seven hundred and twenty dollars .	\$720 00
Westminster .	Seven hundred and thirty-five dollars,	735 00
Winchendon .	One thousand eight hundred and sixty dollars	1,860 00
Worcester .	Forty-two thousand seven hundred and sixty-five dollars	42,765 00
		<hr/> \$123,705 00

RECAPITULATION.

Recapitulation
by counties.

Barnstable Co. .	Fourteen thousand and fifty-five dollars	\$14,055 00
Berkshire Co. .	Thirty-three thousand and sixty dollars	33,060 00
Bristol Co. .	Ninety-four thousand four hundred and ten dollars	94,410 00
Dukes Co. .	Two thousand four hundred and seventy-five dollars	2,475 00
Essex Co. .	One hundred and forty-one thousand one hundred and ninety-five dollars,	141,195 00
Franklin Co. .	Fifteen thousand one hundred and twenty-dollars	15,120 00
Hampden Co. .	Sixty-four thousand five hundred and seventy-five dollars	64,575 00
Hampshire Co. .	Twenty-two thousand three hundred and fifty dollars	22,350 00
Middlesex Co. .	Two hundred and thirty-eight thou- sand eight hundred dollars . .	238,800 00
Nantucket Co. .	One thousand nine hundred and ninety-five dollars	1,995 00
Norfolk Co. .	Seventy-seven thousand nine hun- dred and twenty-five dollars .	77,925 00
Plymouth Co. .	Thirty-four thousand and ninety- five dollars	34,095 00
Suffolk Co. .	Six hundred and thirty-six thousand two hundred and forty dollars .	636,240 00
Worcester Co. .	One hundred and twenty-three thousand seven hundred and five dollars	123,705 00
		<hr/> \$1,500,000 00

SECTION 2. The treasurer shall forthwith send his warrant, directed to the selectmen or assessors of each city or town taxed as aforesaid, requiring them respectively to assess the sum so charged, according to the provision of

Treasurer of
the Common-
wealth to issue
warrants.

chapter eleven of the General Statutes, and to add the amount of such tax to the amount of town and county taxes to be assessed by them respectively on each city or town.

To require selectmen or assessors to issue warrants to city or town treasurers.

SECTION 3. The treasurer in his warrant shall require the said selectmen or assessors to pay, or to issue severally their warrant or warrants requiring the treasurers of their several cities or towns to pay, to the treasurer of the Commonwealth, on or before the tenth day of December in the year one thousand eight hundred and eighty-one, the sums set against said cities and towns in the schedule aforesaid; and the selectmen or assessors respectively shall return a certificate of the names of such treasurers, with the sum which each may be required to collect, to the treasurer of the Commonwealth, at some time before the first day of October next.

To notify the treasurers of delinquent cities and towns.

SECTION 4. If the amount due from any city or town, as provided in this act, is not paid to the treasurer of the Commonwealth within the time specified, then the treasurer shall notify the treasurer of said delinquent city or town, who shall pay into the treasury of the Commonwealth, in addition to the tax, such further sum as would be equal to one per centum per month during such delinquency, dated on and after the tenth day of December next; and if the same remains unpaid after the first day of January next, an information may be filed by the treasurer of the Commonwealth in the supreme judicial court, or before any justice thereof, against such delinquent city or town; and upon notice to such city or town and a summary hearing thereon, a warrant of distress may issue against such city or town to enforce the payment of said taxes, under such penalties as said court or the justice thereof before whom the hearing is had shall order.

SECTION 5. This act shall take effect upon its passage.

Approved May 13, 1881.

Chap. 295 AN ACT TO AMEND "AN ACT TO PROVIDE FOR AN ASSOCIATE MEDICAL EXAMINER IN THE COUNTY OF SUFFOLK."

Be it enacted, etc., as follows:

Associate medical examiner for Suffolk county.

Section one of chapter fifty-nine of the acts of the year eighteen hundred and eighty is hereby amended so as to read: "The governor may with the advice and consent of the council appoint an associate medical examiner for the county of Suffolk, who shall, at the request of either of the medical examiners of said county, perform the duties and exercise the power of said medical examiner, and who

shall receive an annual salary of five hundred dollars, to be paid quarterly by the treasurer of the county of Suffolk: *provided*, that said associate medical examiner shall not be required to serve for more than one month at the request of either medical examiner, and if he should so serve more than two months in any one year he shall for such service in excess of two months be paid at the same rate as the medical examiners, and such compensation shall be deducted from the salary of the medical examiner in whose stead he serves.”

Salary
established.

Approved May 13, 1881.

AN ACT TO AMEND CHAPTER ONE HUNDRED AND EIGHTY-SIX OF THE ACTS OF THE YEAR EIGHTEEN HUNDRED AND EIGHTY RELATING TO THE REMOVAL OF EXECUTORS, ADMINISTRATORS, GUARDIANS AND TRUSTEES.

Chap. 296

Be it enacted, etc., as follows:

SECTION 1. Section one of chapter one hundred and eighty-six of the acts of the year eighteen hundred and eighty is hereby amended by inserting after the words “provided by law,” in said section, the following: “or a decree of a single justice of the supreme judicial court on appeal affirming such decree or ordering such removal when the same has been refused by the probate court.”

Removal of
executors, etc.
1880, 186, § 1.

SECTION 2. This act shall take effect upon its passage.

Approved May 13, 1881.

AN ACT TO AMEND “AN ACT FOR THE PROTECTION OF BIRDS, BIRDS’ EGGS, DEER, AND GAME.”

Chap. 297

Be it enacted, etc., as follows:

SECTION 1. Whoever in this Commonwealth takes or kills between the first day of January and the first day of August, in any year, any woodcock; or any ruffed grouse, commonly called partridge, between the first day of January and the first day of September in any year; or any quail between the first day of January and the fifteenth day of October in any year, or whoever within the respective times aforesaid sells, buys, has in his possession or offers for sale, any of said birds, whether taken or killed in this Commonwealth or elsewhere, shall upon conviction be punished by a fine of twenty dollars for each and every offence: *provided*, that any person may buy, sell or have in his possession, quail and pinnated grouse, commonly called prairie chicken, during the months of January, February, March and April, if the same are not taken or killed contrary to the provisions of this act.

Taking of wood-
cock, partridge
and quail regu-
lated.

Proviso.

Duck and teal.

SECTION 2. Whoever in this Commonwealth takes or kills any wood or summer duck, black duck, or teal, between the first day of April and the first day of September in any year, or within said time sells, buys, has in his possession, or offers for sale, any of said birds, shall upon conviction be punished by a fine of twenty dollars for each and every such offence.

Pigeon, tern,
mackerel gull,
etc.

SECTION 3. Whoever in this Commonwealth takes or kills upon their breeding grounds, any wild or passenger pigeon, or takes, kills or has in his possession any Carolina or turtle dove, herring gull, tern, sea swallow, or mackerel gull, between the first day of May and the first day of August in any year, shall upon conviction be punished by a fine of ten dollars for each such offence.

Game not to be
taken by traps
and snares.

SECTION 4. Whoever in this Commonwealth at any season of the year takes, kills or destroys any game bird, hare or rabbit, by means of traps, snares, nets or springes, or by the use of ferrets, or whoever, for the purpose of taking or killing any game bird, hare or rabbit, shall construct or set any trap, snare, net or springe, or use any ferret, or whoever shoots at or kills any wild fowl, or any of the so called shore, marsh, or beach birds, with or by the use of any battery, swivel, or pivot gun, or by the use of any torch, jack, or artificial light, shall upon conviction be punished by a fine of twenty dollars for each such offence: *provided*, the provisions of this act shall not apply to the trapping or snaring of ruffed grouse, commonly called partridge, or hare, or rabbit, by owners of land upon their land, or by any person or persons authorized by them, between the first day of September and the first day of January of any year.

Penalty.
Proviso.

Deer.

SECTION 5. Whoever in this Commonwealth between the first day of December in any year and the first day of November following, takes or kills any deer, (except his own tame deer kept on his own grounds), shall upon conviction be punished by a fine of one hundred dollars. The owner or keeper of any dog found hunting or chasing deer within the above specified time, shall be punished by a fine of twenty dollars.

SECTION 6. This act shall take effect upon its passage.
Approved May 13, 1881.

Chap. 298

AN ACT TO CONFIRM CERTAIN PROCEEDINGS IN PROBATE COURTS.
Be it enacted, etc., as follows:

Proceedings
confirmed, if
invalid on

SECTION 1. All proceedings in the probate courts heretofore had which might be adjudged invalid or void by rea-

son of insufficient notice, when the notice ordered or issued by the judge, register or assistant register has been given, are hereby confirmed: *provided*, that this act shall not affect any case now pending in any court, wherein the validity of such proceedings is disputed on the ground of insufficient notice.

SECTION 2. This act shall take effect upon its passage.

Approved May 13, 1881.

AN ACT IN FURTHER ADDITION TO AN ACT MAKING APPROPRIATIONS FOR EXPENSES AUTHORIZED THE PRESENT YEAR, AND FOR OTHER PURPOSES.

Chap. 299

Be it enacted, etc., as follows:

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the Commonwealth, from the ordinary revenue, unless otherwise ordered, for the purposes specified in certain acts and resolves of the present year, and for other purposes, to wit:—

Appropriations.

In the act chapter two hundred and fifteen, relating to registers of probate and insolvency in the several counties, a sum not exceeding four thousand nine hundred and fifty dollars.

Registers of probate, etc.

For the support and transportation of outside foundlings, a sum not exceeding three thousand dollars, the same to be in addition to the amount heretofore appropriated.

Transportation of foundlings.

For the compensation of the doorkeepers, messengers and pages of the senate and house of representatives, a sum not exceeding four thousand five hundred dollars, the same to be in addition to the amount heretofore appropriated.

Doorkeepers and messengers.

In the resolve chapter fifty-two, in favor of the Salem normal school, the sum of six thousand dollars.

Salem Normal School.

In the resolve chapter fifty-three, in favor of Andrew J. Waterman, the sum of five hundred dollars.

Andrew J. Waterman.

In the resolve chapter fifty-five, in favor of the commissioners on contagious diseases among cattle, the sum of two thousand dollars.

Contagious diseases of cattle.

In the resolve chapter fifty-nine, in favor of Charles F. Folsom, the sum of four hundred dollars.

Charles F. Folsom.

In the resolve chapter sixty, in favor of the state primary school at Monson, the sum of thirteen thousand five hundred dollars.

State primary school.

In the act chapter two hundred and fifty-three, to establish the salary of the judge of probate and insolvency for the county of Hampden, the sum of two hundred dollars, in addition to the amount heretofore appropriated.

Judge of probate for Hampden.

Extra clerks of auditor and treasurer.	In the act chapter two hundred and fifty-four, establishing the salaries of the extra clerks in the auditor's and treasurer's departments, the sum of two hundred and sixty dollars and twenty-eight cents, in addition to the amount heretofore appropriated.
Supplement to the General Statutes.	For publication and editing of the supplement to the General Statutes for the present year, a sum not exceeding eight hundred and fifty dollars for publication and two hundred dollars for editing the same.
Small items of expenditure.	For small items of expenditure for which no appropriations have been made, or for which appropriations have been exhausted, or have reverted to the treasury in previous years, a sum not exceeding one thousand dollars.
Hospital loan sinking fund.	To make good the deficit of the income of the prison and hospital loan sinking fund, in accordance with the provisions of section three of chapter three hundred and ninety-one of the acts of the year eighteen hundred and seventy-four, the sum of one hundred thousand dollars.
Printing, etc., for legislature.	For printing and binding ordered by the senate or house of representatives, or by concurrent order of the two branches, the sum of five thousand dollars, in addition to the amount heretofore appropriated.
Public documents.	For printing and binding the public series of documents under the direction of the secretary of the Commonwealth, the sum of three thousand five hundred dollars, in addition to the amount heretofore appropriated.
Provincial statutes.	For the preparation for publication and the publication of the provincial statutes, the sum of one thousand dollars, in addition to the amount heretofore appropriated.
Expenses of committees.	For the authorized expenses of committees of the present legislature, to include clerical assistance to committees authorized to employ the same, the sum of ten thousand dollars, in addition to the amount heretofore appropriated.
Clerical assistance for treasurer.	For additional clerical assistance in the office of the treasurer and receiver general, the sum of five hundred dollars, in addition to the amount heretofore appropriated.
Incidental expenses.	For incidental expenses in the treasurer's department, the sum of two hundred and fifty dollars, in addition to the amount heretofore appropriated.
Yorktown celebration.	In the resolve chapter sixty-one, relative to the centennial celebration at Yorktown, the sum of ten thousand dollars.
Eye and Ear Infirmary.	In the resolve chapter sixty-three, in favor of the Massachusetts Charitable Eye and Ear Infirmary, the sum of five thousand dollars.
Taunton lunatic hospital.	In the resolve chapter sixty-four, in favor of the trustees

of the state lunatic hospital at Taunton, the sum of twenty-five thousand dollars.

For expenses incurred in connection with medical examinations and inquests, in the county of Suffolk, the sum of eleven hundred and one dollars and forty-six cents.

Inquests, etc.,
in Suffolk.

In the act chapter two hundred and sixty-four, entitled an act to establish the salary of the clerk of the secretary of the board of agriculture, the sum of sixty-three dollars and seventy-two cents.

Board of agri-
culture — clerk.

In the resolve chapter sixty-two, providing for a plan for the drainage of the Mystic Valley and the neighborhood of the city of Boston, a sum not exceeding three thousand dollars.

Drainage of
Mystic Valley.

In the resolve chapter sixty-five, in favor of the state prison at Concord, the sum of six thousand dollars.

State prison.

In the resolve chapter sixty-eight, providing for certain improvements at the state house, the sum of forty-five thousand dollars.

State house.

In the act chapter two hundred and seventy-five, defining the duties and fixing the compensation of certain appointees of the sergeant-at-arms, the sum of five hundred and fifty-seven dollars and fifty-two cents; the appropriations heretofore made for the compensation of engineer, watchmen, and firemen at the state house, and janitor and fireman at house numbered thirty-three Pemberton Square, are hereby made applicable to said expenditures.

Sergeant-at-
arms, compen-
sation of ap-
pointees.

For compensation of experts or other agents, for rent of office and for incidental and contingent expenses of the railroad commissioners, the sum of five hundred dollars, in addition to the amount heretofore appropriated.

Railroad
commissioners.

For the compensation and travelling expenses of the harbor and land commissioners, the sum of one thousand five hundred dollars, in addition to the amount heretofore appropriated.

Harbor and land
commissioners.

In the act chapter two hundred and eighty-six, to establish the salaries of district attorneys, the sum of one thousand three hundred dollars.

District
attorneys.

SECTION 2. This act shall take effect upon its passage.

Approved May 13, 1881.

AN ACT RELATING TO THE EMPANELLING OF JURIES IN THE
COUNTY OF SUFFOLK. Chap. 300

Be it enacted, etc., as follows:

SECTION 1. On the day when the jurors are summoned to attend at any court, in the county of Suffolk, the clerk of such court shall write or cause to be written on separate

Empanelling of
jurors in the
county of
Suffolk.

cards or papers, the name of each man summoned, with his place of abode and occupation. All of said cards or papers shall be as nearly as may be of the same size, and the said clerk shall see that they are put together in a box provided for that purpose. When each case is brought on to be tried, the clerk in open court shall first shake the cards or papers thoroughly together, and shall then draw out twelve cards or papers, one after the other. If any of the men whose names are so drawn do not appear, or are excused or set aside, then the clerk shall draw out other cards or papers until the names of twelve men are drawn who do appear and who are not excused or set aside. The said twelve men having been sworn, as now required by law, and empanelled, shall be the jury to try the issue, and the foreman thereof shall be appointed by the court. The names of the men so drawn and sworn shall be kept apart by themselves until such jury have given in their verdict and the same has been recorded, or until such jury are discharged by consent of parties or by leave of the court. The names of the jurors shall then be returned to the box, there to be kept with the other names remaining at that time undrawn; and this process of empanelling of jurors shall be repeated so long as any issues remain to be tried: *provided, always*, if any issue shall be brought on to be tried in any of said courts before the jury in any other case shall have brought in their verdict or been discharged, it shall be lawful for the court to order twelve of the residue of said cards or papers, not containing the names of any of the jurors who shall not have so brought in their verdict or been discharged, to be drawn in the manner aforesaid for the trial of the issue which shall be so brought on to be tried.

Proviso.

In civil and criminal cases.

Provisions of G. S. 132, §§ 23-26 not to apply.

SECTION 2. The foregoing provisions shall apply to the empanelling of jurors in criminal as well as civil cases.

SECTION 3. Nothing contained in sections twenty-three, twenty-four, twenty-five and twenty-six of chapter one hundred and thirty-two of the General Statutes shall apply to the empanelling of juries in the county of Suffolk.

Approved May 13, 1881.

Chap. 301

AN ACT TO INCORPORATE THE SESUET CRANBERRY COMPANY.

Be it enacted, etc., as follows:

Owners of meadow lands in Dennis incorporated.

SECTION 1. The owners of the meadow lands lying on each side of Sesuet Creek in the town of Dennis and county of Barnstable, bounded upon the east side by the public roadway, and on all other sides by the uplands, are

hereby made a corporation by the name of the Sesnet Cranberry Company, with power to erect and maintain tide gates for the purpose of excluding the tide water, and to dike, drain, flow and improve said meadows from time to time for the purpose of raising cranberries, and for other agricultural purposes, with power to sue and be sued in its corporate name, and with all other powers and privileges, and subject to the duties, restrictions and liabilities, set forth in the general laws which now are or hereafter may be in force relating to such corporations, unless otherwise especially provided by this act.

Powers and duties.

SECTION 2. Any justice of the peace, upon application in writing from five or more of said owners, shall issue his warrant to one of the owners aforesaid requiring him to notify and warn a meeting of said owners for the purposes to be expressed in said warrant, by posting copies of said warrant in at least two public places in said town of Dennis, seven days at least before the time of said meeting, and said owners when legally assembled as aforesaid may adopt by-laws for the government of said corporation, and may also choose a clerk, treasurer, assessors and collector, who shall be sworn to the faithful discharge of their duties, and shall continue in office until others are chosen and sworn in their stead, which said officers may exercise the same power and authority in performing the duties of their appointment as town officers of the like description.

Notice for call of first meeting of owners.

May adopt by-laws and choose officers.

SECTION 3. Said corporation shall provide, for the passage of the fish of the Flax Pond Fishing Company, a fishway to be constructed and regulated as the commissioners of inland fisheries may direct.

Passage of fish to be provided for.

SECTION 4. All damages sustained by individuals or other corporations, in consequence of carrying into effect the purposes of this corporation, shall be ascertained, determined and recovered in the same manner as is now provided in cases where land is taken for highways.

Damages.

SECTION 5. In addition to the powers already granted, said corporation shall have power to remove all natural and all illegal obstructions in said Sesnet Creek whereby the drainage of their said meadow lands is obstructed and prevented, and to vote and raise money for said purposes and for all other necessary expenses of said corporation; and all moneys which may be voted to be raised as aforesaid shall be assessed upon each proprietor in said meadows according to the number of acres owned by him, and the benefits likely to be received, and any owner who is aggrieved by the amount of tax levied on his land may, at

May remove obstructions in Sesnet Creek.

Assessments upon proprietors.

Proviso.

any time within thirty days after said assessment, appeal to the county commissioners of the county of Barnstable, who shall have power to reduce or increase the amount of said tax and to make the same as said corporation should have made it under the provisions of this act; and if any owner shall refuse or neglect to pay the sum or sums assessed upon him as aforesaid, for sixty days after demand thereof, so much of his said land may be sold as will be sufficient to pay the same together with the costs, in the same way and manner as non-resident owners' lands in this Commonwealth are sold to pay town taxes; but nothing herein contained shall authorize arrest of the person or the sale of any property except said meadow lands. All sums for which judgment may be recovered by any party against said corporation shall be assessed upon each proprietor and collected in the same manner as moneys voted to be raised for other purposes under this section: *provided*, that this act shall not take effect until the owners of two-thirds of all the meadow lands included herein shall have expressed in writing their acceptance of this act, which acceptance, together with the oath of at least three of said owners that in their belief the owners of two-thirds of all of said meadow lands have signed said acceptance, shall be filed in the office of the secretary of state, and the certificate of said secretary that such alleged acceptance has been so filed shall be *prima facie* evidence of such acceptance.

SECTION 6. This act shall take effect on its passage.

Approved May 13, 1881.

[Accepted May 27, 1881.]

Chap. 302

AN ACT RELATING TO THE TRANSFER OF STOCK IN CORPORATIONS.

Be it enacted, etc., as follows:

Transfer of stock not to affect rights of attaching creditors, or right of corporation to pay dividend.

SECTION 1. No sale, assignment, or transfer of stock in any corporation shall affect the right of any corporation to pay any dividend due upon said stock, or against the title or rights of any attaching creditor, until it is recorded upon the books of the corporation, or a new certificate is issued to the person to whom it has been transferred: *provided*, that no attachment of said stock as the property of the vendor made after such sale, assignment, or transfer shall defeat the title or affect the rights of the vendee if such record is made or a new certificate issued within ten days after such transfer is made.

SECTION 2. This act shall take effect upon its passage.

Approved May 13, 1881.

AN ACT TO REQUIRE THE CITY OF BOSTON TO ABATE A NUISANCE IN MYSTIC LOWER POND, FOR PROTECTING THE PURITY OF THE WATERS OF SAID POND, AND FOR THE PRESERVATION OF THE PUBLIC HEALTH, ESPECIALLY IN THE TOWNS OF MEDFORD AND ARLINGTON.

Chap. 303

Be it enacted, etc., as follows :

SECTION 1. The city of Boston is hereby directed to cease emptying sewage, or waters, or substances containing polluting matter or properties, into Mystic Lower Pond, through its sewer constructed under chapter two hundred and two of the acts of eighteen hundred and seventy-five, or otherwise, and is hereby also directed to take up and remove so much of said sewer as extends into said pond, and also that part thereof between said pond and a point on the line of said sewer at least two hundred feet from said pond, within three months from the passage of this act, and thereafter no person or persons, no municipal nor other corporation or corporations, shall discharge or divert into said pond any sewage or offensive matter, waters or substances containing such properties or of such quality as shall of themselves or in connection with other matter create a nuisance in said Mystic Lower Pond, or endanger the public health; but nothing herein shall be construed to prohibit the city of Boston from discharging such water as shall be collected in its said sewer into said Mystic Lower Pond after said city shall have purified, cleansed and freed the said waters from all offensive, contaminating, noxious and polluting properties and substances, so that said waters shall not of themselves, or in connection with other matter, create a nuisance therein or endanger the public health: *provided*, that said waters so purified shall flow for a distance of at least two hundred feet immediately before their entrance into said pond in an open drain over a gravelly or sandy bottom.

City of Boston
to cease empty-
ing sewage into
Mystic Lower
Pond.

Proviso.

SECTION 2. The city of Boston is hereby directed to cause said Mystic Lower Pond to be cleansed of such impurities prejudicial to the public health as, in the judgment of the state board of health, lunacy and charity, it shall have caused, and at such time and in such manner and extent as shall be approved by the state board of health, lunacy and charity, and said city shall pay the expense incurred thereby; and should the said board deem the same to be necessary, and so decide, the city of Boston may erect a dam at the outlet of the lower Mystic Pond, and may exclude tide water from said pond, and may raise the height of the water in said pond, and may take land

To cause pond
to be cleansed.

Damages.

therefor; and any person suffering any damage shall have the right to have damages assessed therefor, as provided in section three of this act.

May take lands in Woburn and Winchester.

SECTION 3. The city of Boston is hereby authorized to take and hold, for the time necessary to carry out the provisions of this act, such lands in the towns of Woburn or Winchester, on or near the line of said sewer, as it shall deem necessary, and may construct such canals, basins, tanks, passageways and works as may be necessary to enable said city to treat said sewage and waters, in order to free the said waters of all noxious, dangerous and offensive matter and properties. Said city shall make compensation to the owners for such lands as it shall take under this act, and if said city and said owners do not agree any person aggrieved shall be entitled to have his damages ascertained by a jury upon petition to the county commissioners of Middlesex county, the proceedings upon which shall be like those provided for the recovery of damages in the taking of lands for highways.

Compensation to owners.

May raise money necessary for purpose.

SECTION 4. Said city of Boston is hereby authorized to raise and appropriate, in such manner as its city government shall determine, such sums of money as shall be incurred by said city in carrying out the provisions of this act.

Limitations.
1875, 202, § 12.

SECTION 5. This act shall be subject to the same limitations expressed in section twelve of chapter two hundred and two of the acts of the year eighteen hundred and seventy-five.

Jurisdiction in equity of S. J. C.

SECTION 6. The supreme judicial court, or any justice thereof, in term time or vacation, sitting in equity for either of the counties of Suffolk or Middlesex, shall have jurisdiction in equity to enforce the provisions of this act by injunction or by any other appropriate equitable remedy, on complaint of the selectmen of either of the towns of Medford or Arlington.

SECTION 7. This act shall take effect upon its passage.

Approved May 13, 1881.

Chap. 304 AN ACT RELIEVING PROPERTY FROM DOUBLE TAXATION IN CERTAIN CASES.

Be it enacted, etc., as follows:

Assessment of taxes upon mortgaged real estate.

SECTION 1. When any person has an interest in taxable real estate as holder of a mortgage, given to secure the payment of money, the amount of which is fixed and certain, and which has been duly recorded, the amount of said person's interest as mortgagee shall be assessed as real

estate in the city or town where the land lies, and the mortgagor shall be assessed only for the value of said real estate after deducting the mortgagee's interests therein which have been taxed as herein provided. When mortgaged property is situated in different cities and towns the amount of the mortgagee's interest to be assessed in each city or town shall be proportioned to the assessed value in the respective cities and towns of the real estate mortgaged, deducting therefrom the taxable amount of prior mortgages if any on such real estate.

SECTION 2. If any mortgagee, or holder of such mortgage, shall fail to file in the assessors' office a statement under oath of all his estate liable to taxation hereunder including the full amount remaining unpaid upon said mortgage, and his interest therein, the amount stated in the mortgage deed shall be conclusive as to the extent of such interest: *provided, however*, that nothing herein shall be construed to allow the taxing of mortgagees' interests in such real estate to a greater extent than the whole assessed value of the land and structures thereon or affixed thereto, or to require the amount of a mortgage interest upon an estate that has been divided subsequently to the creation of such mortgage to be apportioned upon the several parts thereof, except in the manner provided by chapter one hundred and eighty-two of the acts of the year one thousand eight hundred and seventy-eight.

Amount to be
taxed to mort-
gagee.

Proviso.

SECTION 3. Mortgagors and mortgagees herein before referred to shall, for the purposes of taxation, be deemed joint owners until the mortgagee takes possession. And until such possession is taken by a first mortgagee, the assessors or the collector of taxes in any city or town shall, upon application to any one of them, give to any mortgagee or mortgagor of an estate a tax bill therefor that shall show the whole tax thereon, and the amount in such estate included in the valuation thereof as the interest of each mortgagee and mortgagor respectively. If the first mortgagee is in possession, he shall be deemed sole owner; and any other mortgagee in possession shall be deemed joint owner with prior mortgagees. For the purposes of assessing and collecting taxes, the persons appearing of record as owners of real estate shall be held to be the true owners thereof.

Mortgagors and
mortgagees to
be deemed joint
owners of estate.

Persons appear-
ing of record as
owners to be
held as true
owners.

SECTION 4. All taxes assessed as herein provided shall constitute a lien upon the land and structures thereon or affixed thereto, and the provisions of law relating to the collection of taxes upon real estate and redemption of tax

Taxes to consti-
tute a lien upon
land and struc-
tures.

titles shall apply to taxes so assessed. Every sale or taking of real estate for unpaid taxes shall be deemed to be in the name of the owner or owners thereof, if the proceedings of assessment, sale, or taking shall be made in the name of one or more of the persons who appear as record owners of such estate at the date of assessment: *provided, however*, that any taking of an estate for unpaid taxes shall be for the whole estate, and no sale or taking shall be for the undivided interest of any one or more of the joint owners thereof.

SECTION 5. If any part of the taxes duly assessed upon real estate under the provisions of this act shall remain unpaid on the first day of January next ensuing after the same has been assessed, either party may pay the same; and, if paid by any mortgagee, the mortgagee so paying may take from the collector of taxes a certificate such as is mentioned in section thirty-eight of chapter twelve of the General Statutes, to be recorded as therein provided, with a note of reference from such record to the mortgage deed: and such sums so paid for taxes other than those assessed to himself, with costs and interest, shall be added to and constitute a part of the principal sum of the mortgage; and in such case the recording such certificate as herein provided within thirty days from its date shall be notice to all persons of the payment of such sums and the lien upon the estate therefor. When taxes so assessed to any mortgagee have been paid by the mortgagor, or those claiming under him, to either the collector, or any mortgagee paying the same as herein provided, he shall have the right to deduct the sum so paid with the costs and interest thereon, from the amount due the mortgagee to whom said taxes were assessed, unless the parties have agreed otherwise in writing: *provided*, that any person whose tax shall have been so paid by another shall have the same rights in regard to recovering back taxes illegally assessed that he would have had if the tax had been paid under a protest by him in writing.

SECTION 6. Loans on mortgage of real estate, taxable as real estate, as herein provided, shall not be included for the purposes of taxation in debts due to or from persons to be taxed: *provided, however*, that this provision shall not apply to the excess of any such loan or loans above the assessed value of the mortgaged real estate.

SECTION 7. All taxes on real estate that are invalid for irregularity may be re-assessed, and no alienation of such real estate shall defeat such re-assessment if made within

Proviso.

Either party may pay taxes remaining unpaid on first day of January.

Proviso.

Loans on mortgage of real estate, not included in debts due to or from persons to be taxed.

Taxes invalid for irregularity may be re-assessed.

two years after the tax first assessed was committed to the collector.

SECTION 8. Savings banks and institutions for savings, including the Massachusetts Hospital Life Insurance Company, shall not be required to pay to the treasurer of the Commonwealth taxes upon such portion of their deposits as is invested in loans secured by mortgages of taxable real estate.

Savings banks, etc., not to pay taxes on loans secured by mortgage.

SECTION 9. Savings banks and institutions for savings shall not be required to pay to the treasurer of the Commonwealth taxes upon such portion of their deposits as are invested in real estate used for banking purposes. So much of chapter two hundred and twenty-four of the acts of the year eighteen hundred and sixty-two and of chapter three hundred and fifteen of the acts of the year eighteen hundred and sixty-eight, and all other acts or parts of acts as are inconsistent with this and the preceding section are hereby repealed.

Not to pay taxes on real estate used for banking purposes.

SECTION 10. The first seven sections of this act shall take effect upon the passage hereof; and the eighth and ninth sections shall take effect on the first day of May in the year eighteen hundred and eighty-two: *provided, however*, that the franchise tax on the average amount of deposits in said savings banks and institutions for savings during the six months preceding the first day of May in the year eighteen hundred and eighty-two shall be assessed and paid in the manner required by laws now in force.

First seven sections take effect upon passage; and eighth and ninth sections take effect May 1, 1882.

Approved May 13, 1881.

AN ACT RELATING TO THE TAXATION OF DEPOSITS IN SAVINGS BANKS.

Chap. 305

Be it enacted, etc., as follows:

SECTION 1. Chapter three hundred and fifteen of the acts of the year eighteen hundred and sixty-eight is hereby amended by striking out in the fifth line thereof the words "three-quarters," and inserting therein the words "one-half."

Tax of one-half of one per cent on deposits.

SECTION 2. Section twelve of chapter three hundred and fifteen of the acts of the year eighteen hundred and seventy-three is hereby amended so that the amount of the deduction from the tax payable by any savings bank or institution for savings shall not, in any year, exceed the amount of the tax assessed on account of that portion of its deposits invested in shares in banks or banking associations.

Amount of deduction not to exceed tax on investments in shares in banks.

SECTION 3. This act shall take effect upon the first day of January eighteen hundred and eighty-two.

To take effect Jan. 1, 1882.

Approved May 13, 1881.

RESOLVES, GENERAL AND SPECIAL.

Chap. 1 RESOLVE TO CONFIRM THE ACTS DONE BY NATHAN MORSE AS A JUSTICE OF THE PEACE.

Acts done as justice of the peace, confirmed.

Resolved, That all acts done by Nathan Morse as a justice of the peace within and for the county of Suffolk, between the first day of August eighteen hundred and seventy-eight, and the first day of January eighteen hundred and eighty-one, are hereby made valid and confirmed to the same extent as though he had been during that time qualified to discharge the duties of said office.

Approved February 8, 1881.

Chap. 2 RESOLVE TO PROVIDE FOR THE RE-ISSUE OF TESTIMONIALS TO SOLDIERS AND SAILORS.

Testimonials may be re-issued to soldiers and sailors.

Resolved, That the adjutant-general, under the resolve chapter fifty-three of the resolves of the year eighteen hundred and sixty-nine, to provide for testimonials to soldiers and sailors, be authorized to make re-issue of such testimonials in cases of loss or destruction of the same, provided reasonable evidence of such loss or destruction is presented to the adjutant-general by the applicant for re-issue.

Approved February 9, 1881.

Chap. 3 RESOLVE IN FAVOR OF JOHN McGRATH.

John McGrath.

Resolved, That there be allowed and paid out of the treasury of the Commonwealth to the overseers of the poor of the town of Framingham, for the benefit of John McGrath, the sum of one hundred dollars annually for five years, should he so long survive.

Approved February 16, 1881.

Chap. 4 RESOLVE IN FAVOR OF EBENEZER GAY.

Ebenezer Gay.

Resolved, That there be allowed and paid out of the treasury of the Commonwealth to Ebenezer Gay, the sum

of one hundred and fifty-one dollars and sixty-seven cents, for clerical services rendered in Suffolk registry of Probate, between March first and April twenty-fourth, in the year one thousand eight hundred and seventy-nine.

Approved February 16, 1881.

RESOLVE IN FAVOR OF THE BOSTON BEEF PACKING COMPANY.

Chap. 5

Resolved, That the board of appeal under chapter two hundred and eighty-three of the acts of the year eighteen hundred and sixty-five, may allow an abatement to the Boston Beef Packing Company, on account of real estate and machinery belonging to said company and heretofore locally taxed to it, which has not been already allowed, irrespective of the time when it was so locally taxed.

Boston Beef
Packing
Company.

Approved February 16, 1881.

RESOLVE RELATING TO CERTAIN REPAIRS AT THE STATE PRISON
AT CONCORD.

Chap. 6

Resolved, That there be allowed and paid out of the treasury of the Commonwealth the sum of two thousand dollars, to be expended under the direction of the commissioners of prisons for expenses and repairs made necessary by the burning of a portion of one of the workshops belonging to said prison, on the eighteenth of January in the year eighteen hundred and eighty-one.

Repairs at state
prison.

Approved February 16, 1881.

RESOLVE AUTHORIZING THE TREASURER TO BORROW MONEY IN
ANTICIPATION OF THE REVENUE.

Chap. 7

Resolved, That the treasurer and receiver-general be and he hereby is authorized to borrow, in anticipation of the receipts of the present year, such sums of money as may from time to time be necessary for the payment of the ordinary demands on the treasury, at any time before the expiration of fifteen days after the meeting of the next General Court, at such rates of interest as shall be found necessary; and that he repay any sums he may borrow under this resolve as soon as money sufficient for the purpose and not otherwise appropriated shall be received into the treasury. *Approved February 18, 1881.*

Treasurer may
borrow money
in anticipation
of the revenue.

RESOLVE IN FAVOR OF THE NANTUCKET AGRICULTURAL SOCIETY.

Chap. 8

Resolved, That there be allowed and paid out of the treasury of the Commonwealth to the Nantucket Agricultural Society, the sum of six hundred dollars, it being the

Nantucket
Agricultural
Society.

amount of bounty it would have been entitled to receive had it made its annual return on the tenth of January in the year eighteen hundred and seventy-nine.

Approved February 23, 1881.

Chap. 9

Reports and documents released from sale.

RESOLVE RELATIVE TO THE DISTRIBUTION OF CERTAIN DOCUMENTS.

Resolved, That all reports, documents and other publications, which are now on sale under the direction of the secretary of the Commonwealth, except the volumes of special and provincial laws, be released from the conditions of sale, and placed in his hands for general distribution.

Approved February 23, 1881.

Chap. 10

Middlesex Agricultural Society.

RESOLVE IN FAVOR OF THE MIDDLESEX AGRICULTURAL SOCIETY.

Resolved, That there be allowed and paid out of the treasury of the Commonwealth to the Middlesex Agricultural Society, the sum of six hundred dollars, it being the amount of bounty it would have been entitled to receive had it made its annual return on the tenth of January in the year eighteen hundred and eighty.

Approved February 23, 1881.

Chap. 11

Isadora F. Lincoln.

RESOLVE IN FAVOR OF ISADORA F. LINCOLN.

Resolved. That on and after the first day of January in the year eighteen hundred and eighty-one, Isadora F. Lincoln, widow of Benjamin C. Lincoln, a member of Company G, thirty-ninth regiment of Massachusetts volunteers, and afterwards captain of the second United States colored troops, shall be entitled to receive the same amount of state aid she would have been entitled to, had her husband, when killed in action, been serving in the regiment in which he originally enlisted.

Approved February 23, 1881.

Chap. 12

Crosby Steam Gauge and Valve Company.

RESOLVE IN FAVOR OF THE CROSBY STEAM GAUGE AND VALVE COMPANY.

Resolved, That the Board of Appeal, established by section thirteen of chapter two hundred and eighty-three of the acts of the year eighteen hundred and sixty-five, may allow an abatement to the Crosby Steam Gauge and Valve Company, on account of any machinery belonging to said company which was locally taxed to it for the year eighteen hundred and eighty, and was not allowed in that year.

Approved March 2, 1881.

RESOLVE IN FAVOR OF JOHN WILLIAM ROBERT SAWIN.

Chap. 13

Resolved, That there be allowed and paid out of the treasury of the Commonwealth, to the guardian and for the benefit of John William Robert Sawin, son of John P. Sawin, deceased, an annuity of two hundred dollars for the term of two years and six months from the first day of July in the year eighteen hundred and eighty, payable in equal quarter-yearly instalments, it being the balance of the annuity allowed the said John P. Sawin in the resolve chapter ten of the year eighteen hundred and seventy-eight.

John William
Robert Sawin.*Approved March 5, 1881.*

RESOLVE IN FAVOR OF THE WIDOW OF ALEXANDER HYDE.

Chap. 14

Resolved, That there be allowed and paid to the widow of Alexander Hyde, late a member of the House, the sum of five hundred and thirty-two dollars and twenty cents, being the amount of salary and mileage to which he would have been entitled had he lived to the close of the present session.

Widow of
Alexander
Hyde.*Approved March 5, 1881.*

RESOLVE AUTHORIZING THE ISSUE OF ARMS TO THE STATE NORMAL SCHOOL AT BRIDGEWATER.

Chap. 15

Resolved, That the governor be and he is hereby authorized to issue to the principal of the State Normal School at Bridgewater, such arms and accoutrements, for the use of the students in said school, as in his judgment may be distributed without detriment to the militia service: *provided*, that the principal shall be held responsible for the return of said arms and accoutrements in good order and condition, whenever the governor shall so direct.

Arms may be
issued to Nor-
mal School at
Bridgewater.*Approved March 5, 1881.*

RESOLVE IN FAVOR OF JOSEPHINE A. WYATT.

Chap. 16

Resolved, That the commissioners of state aid be and are hereby authorized to investigate the matter of the petition of Josephine A. Wyatt, for an allowance of state aid from February sixth to November first in the year eighteen hundred and eighty, and to allow her such sum, not exceeding thirty-five dollars, as they may find she might have received between the dates herein named, if being otherwise qualified under the law her application for state aid had not been rejected by the selectmen of the town of Medford.

Josephine A.
Wyatt may be
allowed state
aid.*Approved March 8, 1881.*

Chap. 17

Annuity to Jane Parks.

RESOLVE IN FAVOR OF JANE PARKS.

Resolved, That there shall be allowed and paid out of the treasury of the Commonwealth to Jane Parks of Cambridge, widow of the late James Parks, the sum of two hundred dollars; and in addition thereto, during the period of three years from the first day of January eighteen hundred and eighty-one, should she so long survive, in equal quarterly payments, an annuity of two hundred dollars per annum.

*Approved March 8, 1881.**Chap. 18*

State library.

RESOLVE IN FAVOR OF THE STATE LIBRARY.

Resolved, That a sum not exceeding one thousand dollars be allowed and paid out of the treasury, to defray the expense of the purchase of English law reports and session laws of the different states, which are needed to perfect the sets in the state library: the amount to be expended under the direction of the trustees and librarian.

*Approved March 9, 1881.**Chap. 19*

RESOLVE AUTHORIZING THE LOAN OF THE MILITARY CAMP EQUIPAGE OF THE STATE TO POSTS OF THE GRAND ARMY OF THE REPUBLIC.

Camp equipage may be loaned to posts of the Grand Army of the Republic.

Resolved, That the quartermaster-general, under the direction of the commander-in-chief, be and he is hereby authorized to loan the military camp equipage belonging to the state to any state encampment of posts of the Grand Army of the Republic in this Commonwealth, when it can be done without interfering with the use of said equipage by the militia: *provided*, that a bond, with sufficient sureties in double the value of the equipage, shall be given in every case for its return without loss or damage, and that the Commonwealth shall be subject to no expense on account of any such loan.

*Approved March 16, 1881.**Chap. 20*

RESOLVE TO AUTHORIZE THE SALE OF THE STATE ARSENAL AT CAMBRIDGE.

State arsenal at Cambridge may be sold.

Resolved, That the governor and council are hereby authorized to sell by public auction or otherwise, the land situated in Cambridge belonging to the Commonwealth, with all the buildings thereon, and known as the state arsenal property. The proceeds of said sale less the expenses thereof shall be paid into the treasury, and shall be added to and constitute a part of the prison and hospital loan sinking fund. Chapter twenty-nine of the Resolves of the year eighteen hundred and seventy-two is hereby repealed.

Approved March 16, 1881.

RESOLVES PROVIDING FOR THE PUBLICATION OF CERTAIN SPECIAL LAWS. *Chap. 21*

Resolved, That the special acts of this Commonwealth, passed from the year one thousand eight hundred and seventy-six, to the year one thousand eight hundred and eighty-one, inclusive, be collated and published under the direction of the secretary of the Commonwealth, in a volume as nearly as may be in conformity with the manner and size of the volume of special laws last printed.

Special laws to be collated and published.

Resolved, That fifteen hundred copies of the volume aforesaid shall be printed and shall be distributed as follows: one hundred copies for the use of the various state offices and committee-rooms, and for the two houses of the Legislature; one copy to each member of the present General Court; one copy to each of the judges of the supreme judicial and superior courts and each judge of probate and insolvency; two hundred copies for the state library, six copies to be preserved upon the shelves, and the residue to be used in exchanges; one copy to each city and town in the Commonwealth, to be placed in the city or town library, when such library exists therein; one copy to each public and incorporated library in the Commonwealth, other than a city or town library; one copy to each registry of deeds; one copy to the clerk of the courts in each county; fifty copies to be retained in the office of the secretary of the Commonwealth; and the remaining copies to be disposed of by the secretary of the Commonwealth to individual purchasers at cost, the money received therefor to be paid into the treasury of the Commonwealth: *provided*, that no copies shall be sold for the purposes of re-sale. And the secretary shall cause to be pasted on the inside of the cover of each copy delivered by him to any public officer for the use of his office, a paper describing said fact, and that such copy is to be transmitted by the present incumbent, at the expiration of his term of office, to his successor in such office.

Distribution of volumes.

No copies to be sold for purposes of re-sale.

Approved March 17, 1881.

RESOLVES FOR THE APPOINTMENT OF COMMISSIONERS TO ESTABLISH THE BOUNDARY LINE BETWEEN THE TOWNS OF CHILMARK AND TISBURY. *Chap. 22*

Resolved, That three commissioners, no one of whom shall be a resident of Dukes County, be appointed by the governor, by and with the advice and consent of the council, whose duty it shall be, after having duly notified the clerks of the towns of Chilmark and Tisbury of the time

Commissioners to establish boundary line between Chilmark and Tisbury.

and place appointed for hearing the parties interested, to establish the boundary line between the towns aforesaid, and duly report the same. And should it appear to the said commissioners, after duly hearing and considering the evidence offered by the parties interested, that the exact location of the boundary line between the towns aforesaid cannot be determined, then they shall be empowered to fix such boundaries for the two towns as will best insure the rights of each in the territory now in dispute.

Costs of commission.

Resolved, That the said towns of Chilmark and Tisbury shall be required to pay each one-half the costs of said commission.

Approved March 18, 1881.

Chap. 23 RESOLVE IN RELATION TO THE DRAWS IN THE BRIDGES ACROSS MERRIMACK RIVER, BELOW HAVERHILL.

Draws in bridges to be reported upon.

Resolved, That the petition of J. Frank Tilton and others, that the draws in the bridges across the Merrimack River below Haverhill may be widened, be referred to the board of harbor and land commissioners with instructions to investigate the subject and report their conclusions to the next General Court.

Approved March 18, 1881.

Chap. 24 RESOLVE PROVIDING FOR THE CONSTRUCTION OF A TENEMENT HOUSE AT THE STATE PRISON.

Tenement house at state prison.

Resolved, That there be allowed and paid out of the treasury of the Commonwealth a sum not exceeding four thousand five hundred dollars, to be expended under the direction of the commissioners of prisons for the construction of a double tenement dwelling house at the state prison at Concord, one tenement of which shall be rented to the chaplain of said prison, and the other tenement to some other officer thereof; or if, in the opinion of said commissioners, it shall be deemed desirable to build a single house for the use of said chaplain, instead of said double house, they may expend therefor a sum not exceeding three thousand dollars.

Approved March 22, 1881.

Chap. 25 RESOLVE IN RELATION TO THE CONNECTION OF RAILROADS WITH DOCKS.

Connection of railroads with docks.

Resolved, That so much of the last annual report of the harbor and land commissioners as relates to the connection of railroads with docks be referred to a commission to consist of the harbor and land commissioners and the railroad commissioners, with instructions to consider the subject and report their conclusions to the next General Court.

Approved March 22, 1881.

RESOLVE GRANTING COUNTY TAXES.

Chap. 26

Resolved, That the sums placed against the names of the several counties in the following schedule are granted as a tax for each county, respectively, to be collected and applied according to law :—

County taxes
granted each
county.

Barnstable. Eighteen thousand dollars.

Berkshire. Sixty-five thousand dollars, provided that not less than ten thousand dollars thereof be applied to the reduction of the existing debt of said county.

Bristol. One hundred and sixteen thousand dollars, provided that six thousand five hundred dollars thereof be applied to the reduction of the existing debt of said county.

Dukes. Seven thousand three hundred dollars, provided that not less than one thousand dollars thereof be applied to the reduction of the existing debt of said county.

Essex. One hundred and fifty-three thousand seven hundred dollars, provided that not less than twenty-five thousand dollars thereof be applied to the reduction of the existing debt of said county.

Franklin. Twenty-eight thousand dollars.

Hampden. Seventy-seven thousand dollars, provided that not less than ten thousand dollars thereof be applied to the reduction of the existing debt of said county.

Hampshire. Thirty-eight thousand dollars, provided that not less than one thousand dollars thereof be applied to the reduction of the existing debt of said county.

Middlesex. One hundred and twenty thousand dollars.

Norfolk. Sixty-three thousand two hundred and fifty dollars.

Plymouth. Forty-five thousand dollars.

Worcester. One hundred thousand dollars.

Approved March 24, 1881.

RESOLVES IN RELATION TO THE BOUNDARY LINE BETWEEN MASSACHUSETTS AND RHODE ISLAND.

Chap. 27

Resolved, That his excellency the governor be and he is hereby authorized, with the advice and consent of the council, to appoint a commission with full power and authority to cause to be removed the stone monuments erected to mark the conventional line between this Commonwealth and the state of Rhode Island, from the easterly line of the state of Connecticut to Burnt Swamp Corner, by the commissioners in eighteen hundred and forty-seven and eighteen hundred and forty-eight; and that said commission cause suitable monuments to be erected on the

Commissioners
to erect monu-
ments to mark
the Rhode
Island bound-
ary.

true jurisdictional boundary line from said easterly line of the state of Connecticut to Burnt Swamp Corner.

To meet commission from Rhode Island.

Resolved, That said commission be and hereby is authorized to meet, for the above purpose, any commission that may be appointed by the state of Rhode Island.

Copy of resolve to be sent to governor of Rhode Island.

Resolved, That his excellency the governor be requested to cause a certified copy of these resolves to be sent to the governor of the state of Rhode Island.

Approved March 24, 1881.

Chap. 28 RESOLVE IN FAVOR OF THE DISABLED SOLDIERS' EMPLOYMENT BUREAU.

Disabled soldiers' employment bureau.

Resolved, That there be allowed and paid out of the treasury of the Commonwealth to the disabled soldiers' employment bureau the sum of three thousand dollars: *provided*, that there shall not be paid to the superintendent of said bureau as a salary for the current year a sum exceeding fifteen hundred dollars.

Approved March 24, 1881.

Chap. 29 RESOLVE IN FAVOR OF HOSEA HATHAWAY.

Hosea Hathaway.

Resolved, That there be allowed and paid out of the treasury of the Commonwealth to Hosea Hathaway, the sum of five hundred and fifty dollars, in full for damage to his ice business, caused by the flow of sewage from the state normal school building into Town River at Bridgewater.

Approved March 24, 1881.

Chap. 30 RESOLVE IN FAVOR OF THE WIDOW OF GEORGE M. NEWTON.

Widow of George M. Newton.

Resolved, That there be allowed and paid to the widow of George M. Newton, late a member of the house of representatives, the sum of five hundred and fifteen dollars, being the amount of salary and mileage to which he would have been entitled had he lived to the close of the present session.

Approved March 24, 1881.

Chap. 31 RESOLVE IN FAVOR OF THE WIDOW OF JOSIAH F. STONE.

Widow of Josiah F. Stone.

Resolved, That there be allowed and paid to the widow of Josiah F. Stone, late a member of the house, the sum of five hundred and one dollars and sixty cents, being the amount of salary and mileage to which he would have been entitled had he lived to the close of the present session.

Approved March 24, 1881.

RESOLVE IN FAVOR OF THE BRIDGEWATER NORMAL SCHOOL.

Chap. 32

Resolved, That there be allowed and paid out of the treasury of the Commonwealth a sum not exceeding eight thousand dollars, to erect and furnish a chemical and physical laboratory for the Bridgewater state normal school; to be expended under the direction of the board of education.

Bridgewater
Normal School.*Approved March 30, 1881.*

RESOLVE CONCERNING THE SEPARATION OF THE CRIMINAL INSANE.

Chap. 33

Resolved. That so much of the governor's message as recommends that separate provision be made for the criminal insane, be referred to the state board of health, lunacy and charity, with instructions to consider the same and report a plan by which it may be carried into effect to the next legislature.

Criminal insane
to be reported
upon.*Approved March 30, 1881.*RESOLVE PROVIDING FOR CERTAIN EXPENSES CONNECTED WITH
THE REMOVAL OF THE STATE NORMAL ART SCHOOL.

Chap. 34

Resolved, That there be allowed and paid from the treasury the sum of one thousand one hundred and eighty-five dollars, to defray the expense of restoring the rooms on School Street, Boston, formerly occupied by the normal art school, to the condition they were in when first occupied by said school, as required by the terms of the lease. Also that there be allowed and paid from the treasury of the Commonwealth the sum of one thousand seven hundred and ninety-three dollars and twenty-five cents, to defray the expense of removing the normal art school to its present quarters, and of fitting them for its use.

State normal
art school.*Approved April 6, 1881.*RESOLVE IN FAVOR OF THE TRUSTEES OF THE STATE LUNATIC
HOSPITAL AT DANVERS.

Chap. 35

Resolved, That there shall be allowed and paid out of the treasury of the Commonwealth to the trustees of the state lunatic hospital at Danvers, the sum of twenty thousand dollars, as follows, to wit: — For the current cash expenditures and supplies of the hospital, in anticipation of earnings, collections and to meet deficiencies, the sum of fifteen thousand dollars: — To finish and complete the attics, the sum of two thousand dollars: — To finish and complete the apparatus for the protection against fire, said apparatus to be completed within ninety days of the passage of this resolve, the sum of three thousand dollars.

State lunatic
hospital at
Danvers.*Approved April 6, 1881.*

Chap. 36

RESOLVE IN FAVOR OF THE TOWN OF ROWE.

Town of Rowe.

Resolved, That there be allowed and paid out of the treasury of the Commonwealth the sum of one hundred and sixty-nine dollars and fifty cents to the treasurer of the town of Rowe, in re-imbursement for assistance rendered Thomas Gabrath, a state pauper, in the month of January in the year eighteen hundred and seventy-five.

Approved April 6, 1881.

Chap. 37

RESOLVE IN FAVOR OF THE STATE WORKHOUSE AT BRIDGEWATER.

State work-house at Bridgewater.

Resolved, That there shall be allowed and paid out of the treasury of the Commonwealth such sum, not exceeding four thousand five hundred dollars, as shall be found necessary for the erection and completion of a workshop and waiting room, and for completing the necessary arrangements for the thorough protection of the state workhouse at Bridgewater against fire; the same to be expended under the direction of the trustees of said state workhouse.

Approved April 6, 1881.

Chap. 38

RESOLVE RELATING TO THE WAR RECORDS IN THE DEPARTMENT OF THE ADJUTANT-GENERAL.

Preservation of war records.

Resolved, That the adjutant-general is hereby directed to attend to the preservation of the war records in his department, and is hereby authorized to expend a sum not exceeding four thousand dollars for that purpose.

Approved April 6, 1881.

Chap. 39

RESOLVE IN FAVOR OF JOHN DONNELLY.

John Donnelly.

Resolved, That on and after the first day of March in the year eighteen hundred and eighty-one, John Donnelly, a member of company H, ninth regiment Massachusetts volunteers, and afterwards transferred to the veteran reserve corps, shall be entitled to receive the same amount of state aid he would have been entitled to had he been a resident of Massachusetts at the date of the passage of the act granting state aid.

Approved April 6, 1881.

Chap. 40

RESOLVE IN RELATION TO THE LIMITATION OF THE NUMBER OF PASSENGERS IN STREET RAILWAY CARS.

Passengers in street railway cars.

Resolved, That the board of railroad commissioners report to the next general court as to the advisability of legislation limiting the number of passengers to be carried at one time upon street railway cars.

Approved April 6, 1881.

RESOLVE IN FAVOR OF THE MASSACHUSETTS CHARITABLE EYE AND EAR INFIRMARY. *Chap. 41*

Resolved, That there be allowed and paid out of the treasury of the Commonwealth the sum of ten thousand dollars to the Massachusetts charitable eye and ear infirmary, to be expended under the direction of the managers thereof, for the charitable purposes of said infirmary for the present year; and the said managers shall report to the state board of health, lunacy and charity.

Massachusetts
Charitable Eye
and Ear Infirmary.

Approved April 6, 1881.

RESOLVE IN FAVOR OF THE TOWN OF FLORIDA. *Chap. 42*

Resolved, That there be allowed and paid out of the treasury of the Commonwealth the sum of five hundred and ninety-two dollars and fifty-five cents to the treasurer of the town of Florida, in re-imbursement for support and assistance rendered Nicholas Derman, Nathan Tripp, John Garvey, Thomas O'Keefe, Jerry Callahan, Mary O'Leary, Peter O'Leary, Margaret Harrigan and children, and C. Bernard and family, state paupers, during the period from April seventh in the year eighteen hundred and seventy-one to February ninth in the year eighteen hundred and eighty.

Town of
Florida.

Approved April 6, 1881.

RESOLVE RELATIVE TO INDUSTRIAL CONCILIATION AND ARBITRATION. *Chap. 43*

Resolved, That the chief of the bureau of statistics on the subject of labor be and he is hereby instructed to prepare forthwith, from material now in the possession of the bureau, a pamphlet upon industrial conciliation and arbitration; and in order that the information contained in such pamphlet may be freely disseminated among the persons most interested, the said bureau shall cause an edition thereof, not exceeding five thousand copies, to be printed and distributed within the Commonwealth.

Industrial con-
ciliation and
arbitration.

Approved April 6, 1881.

RESOLVE IN FAVOR OF THE STATE ALMSHOUSE AT TEWKSBURY. *Chap. 44*

Resolved, That there be allowed and paid out of the treasury of the Commonwealth such sum, not exceeding eight thousand nine hundred and thirty-four dollars, as shall be found necessary for the erection and completion of a hospital addition for women, for the erection and completion of new water closets for men, for the alterations of water closets in the main building, and for the erection

State almshouse
at Tewksbury.

and completion of a silo ; said sum to be expended under the direction of the superintendent and trustees of said state almshouse at Tewksbury. *Approved April 14, 1881.*

Chap. 45 RESOLVE RELATING TO THE PURCHASE OF AN ORGAN FOR THE STATE PRISON.

Organ for the state prison.

Resolved, That there be allowed and paid out of the treasury of the Commonwealth a sum not exceeding two thousand dollars, for the purchase of an organ for the chapel at the state prison at Concord ; the same to be expended under the direction of the commissioners on prisons.

Approved April 15, 1881.

Chap. 46 RESOLVE GRANTING AID TO THE TOWN OF WESTFIELD.

Aid to town of Westfield for losses by flood.

Resolved, That for the purpose of rendering some relief to the citizens and tax payers of the town of Westfield, in view of the disastrous flood, in the month of December of the year eighteen hundred and seventy-eight, the treasurer and receiver-general of the Commonwealth is hereby authorized and directed to pay to the treasurer of the said town the sum of five thousand dollars a year, for the period of five years, the sums to be paid, in equal semi-annual payments, on the first day of April and on the first day of October of each year, beginning with the first day of April eighteen hundred and eighty-one.

Approved April 15, 1881.

Chap. 47 RESOLVE IN FAVOR OF THE TOWNS OF FLORIDA, ROWE AND CHARLEMONT.

Re-imbursement to towns of Florida, Rowe and Charlemont.

Resolved, That there be allowed and paid out of the treasury of the Commonwealth to the following named towns, the sums herein below set against their names, in re-imbursement of payments made for and in consequence of the building of the new bridge over the Deertfield River, under chapter two hundred and seventy-five of the acts of the year eighteen hundred and seventy-one, to wit :— Florida, fifty-five hundred dollars ; Rowe, two thousand dollars ; Charlemont, fifteen hundred dollars.

Approved April 15, 1881.

Chap. 48 RESOLVE CONFIRMING THE ACTS OF JOHN O. TEELE AS A JUSTICE OF THE PEACE.

Acts done as justice of the peace, confirmed.

Resolved, That all acts done by John O. Teele, as a justice of the peace within and for the county of Suffolk, since the seventeenth day of February in the year eighteen

hundred and eighty-one, are hereby made valid and confirmed to the same extent as though he had been during that time qualified to discharge the duties of said office.

Approved April 15, 1881.

RESOLVE IN RELATION TO THE RIGHTS OF PRISCILLA FREEMAN IN LANDS BORDERING UPON TISBURY GREAT POND, AND IN RELATION TO THE PRESENT LEASE OF SAID POND.

Chap. 49

Resolved, That the governor and council be requested and empowered to make a full investigation as to the rights of Priscilla Freeman in and to lands bordering upon Tisbury Great Pond, and as to the validity of the present lease of said pond, and all the facts relating to the making of said lease, with power to send for persons and papers, and to take such action in the premises as will secure the rights of all parties interested.

Rights of Priscilla Freeman to be investigated.

Approved April 23, 1881.

RESOLVE PROVIDING FOR RE-IMBURSEMENT OF STATE AID TO THE CITIES OF HOLYOKE AND NEWTON, AND THE TOWNS OF ANDOVER, TISBURY, AGAWAM AND PEPPERELL.

Chap. 50

Whereas the cities of Holyoke and Newton and the towns of Andover, Tisbury, Agawam and Pepperell have neglected to make the returns required by law, of the payments of state and military aid by said cities and towns respectively, during a portion of the year eighteen hundred and seventy-nine, and a portion or all of the year eighteen hundred and eighty: — *Resolved*, that said cities and towns be and hereby are authorized to make said returns in proper form, within sixty days from the passage of this resolve, and the commissioners of state aid are hereby authorized and directed to receive the returns so made, and to examine and disallow or approve the payments made by said cities and towns, respectively, during a portion of the year eighteen hundred and seventy-nine, and a portion or all of the year eighteen hundred and eighty, in the same manner and under the same regulations and restrictions, and to the same effect, as they would have done if said returns had been lawfully made. Any sums so approved and allowed by the commissioners aforesaid shall be re-imbursed to said cities and towns, respectively, from the treasury of the Commonwealth, on or before the first day of December in the year eighteen hundred and eighty-one.

Re-imbusement of state aid to Holyoke, Newton, Andover, Tisbury, Agawam and Pepperell.

Approved April 23, 1881.

Chap. 51 RESOLVE IN RELATION TO A REFORMATORY FOR MALE PRISONERS.Reformatory for
male prisoners.

Resolved, That the commissioners of prisons be directed to investigate the subject of establishing a reformatory for male prisoners, in some institution now existing in the state, to suggest a plan for the organization of the same, and to report the result of their investigations with estimates of cost, to the legislature at the next annual session.

Approved April 30, 1881.

Chap. 52 RESOLVE IN FAVOR OF THE SALEM NORMAL SCHOOL.Salem normal
school.

Resolved, That there be allowed and paid out of the treasury of the Commonwealth a sum not exceeding six thousand dollars, for heating and ventilating the state normal schoolhouse at Salem; and that said sum be expended under the direction of the board of education.

Approved April 30, 1881.

Chap. 53 RESOLVE IN FAVOR OF ANDREW J. WATERMAN.Andrew J.
Waterman.

Resolved, That there be allowed and paid out of the treasury of the Commonwealth to Andrew J. Waterman, the sum of five hundred dollars, for services as register of probate and insolvency of Berkshire County, from the sixteenth day of November in the year eighteen hundred and eighty to the fifteenth day of April in the year eighteen hundred and eighty-one.

Approved April 30, 1881.

Chap. 54 RESOLVE CONFIRMING THE ACTS OF THOMAS FLATLEY AS A JUSTICE OF THE PEACE.Acts done as
justice of the
peace, con-
firmed.

Resolved, That all acts done by Thomas Flatley as a justice of the peace for the Commonwealth, since the twenty-fifth day of October in the year eighteen hundred and eighty, are hereby made valid and confirmed to the same extent as though he had been during that time qualified to discharge the duties of said office.

Approved May 6, 1881.

Chap. 55 RESOLVE IN FAVOR OF THE COMMISSIONERS ON CONTAGIOUS DISEASES AMONG CATTLE.Contagious
diseases among
cattle.

Resolved, That there be allowed and paid out of the treasury of the Commonwealth a sum not exceeding two thousand dollars, to be expended under the direction of the cattle commissioners for the purpose of exterminating contagious diseases in the state, among horses and cattle.

Approved May 6, 1881.

RESOLVE IN FAVOR OF EUGENE M. DOW.

Chap. 56

Resolved, That on and after the first day of April, eighteen hundred and eighty-one, Eugene M. Dow, minor child of George C. Dow who was a member of the fortieth regiment of New York volunteers, shall be entitled to receive the same amount of state aid he would have been entitled to had he been born prior to his father's discharge from service.

State aid for
minor child of
George C. Dow.

Approved May 6, 1881.

RESOLVES CONCERNING AN AMENDMENT TO THE CONSTITUTION TO PREVENT THE DISFRANCHISEMENT OF CERTAIN SOLDIERS AND SAILORS BECOMING PAUPERS.

Chap. 57

Resolved, That the following article of amendment of the Constitution, having been agreed to by the last and present general courts, and published in the manner required by the Constitution, be submitted to the people for their ratification and adoption: —

Proposed
amendment to
the Constitution
to be submitted
to the people.

ARTICLE OF AMENDMENT.

No person having served in the army or navy of the United States in time of war, and having been honorably discharged from such service, if otherwise qualified to vote, shall be disqualified therefor on account of being a pauper; or, if a pauper, because of the non-payment of a poll tax.

Resolved, That the people shall be assembled for the purpose aforesaid, in their respective cities and towns, in meetings to be legally warned, and held on Tuesday the eighth day of November next, at which meetings all the inhabitants qualified to vote for senators and representatives in the general court may give in their votes, by ballot, for or against said article of amendment; and the same officers shall preside in the said meetings as in the meetings for the choice of senators and representatives, and shall in open meeting receive, sort, count and declare the votes of the inhabitants for and against the same; and the said votes shall be recorded by the clerks of said cities and towns, and true returns thereof shall be made out under the hands of the mayor and aldermen of the several cities, and of the selectmen, or a major part of them, and of the clerks of the said cities and towns, respectively, and sealed up and delivered to the sheriff of the county within three days after the said meetings, to be by him transmitted to the office of the secretary of the Commonwealth within seven days after receiving the same; or the said mayors and aldermen, and selectmen, respectively, shall themselves

To be voted
upon, at the
annual election
in November.

transmit the same to the said office within ten days after the said meetings: *provided*, that in the several cities the meetings held under this resolve shall be conducted according to the provisions of the acts establishing the same, and of the several acts in addition thereto.

Form of ballot.

Resolved, That every person qualified to vote as aforesaid may express his opinion on said article of amendment, without expressing in his ballot the contents of said article; but the form of said ballot shall be as follows: "Amendment to the Constitution, Yes," or "No." And if said article shall appear to be approved by a majority of the persons voting thereon, it shall be deemed and taken to be ratified and adopted by the people.

If approved by the people, to be enrolled on parchment, and deposited in secretary's office.

Resolved, That his excellency the governor and the council shall forthwith open and examine the votes returned as aforesaid; and if it shall appear that said article of amendment has been approved by a majority of the persons voting thereon, according to the votes returned and certified as aforesaid, the same shall be enrolled on parchment, and deposited in the secretary's office, as a part of the Constitution of this Commonwealth, and shall be published in immediate connection therewith, numbered according to its numerical position, with the articles of amendment of the Constitution heretofore adopted, in all future editions of the laws of this Commonwealth, printed by public authority.

Proclamation to be made by governor, announcing result.

Resolved, That his excellency the governor be and he hereby is authorized and requested to issue his proclamation forthwith, after the examination of the votes returned as aforesaid, reciting said article of amendment, and announcing that said article has been duly adopted and ratified by the people of this Commonwealth, and has become a part of the Constitution thereof, and requiring all magistrates and officers and all citizens of the said Commonwealth to take notice thereof, and govern themselves accordingly; or that the said article of amendment has been rejected, as the case may be.

Copy of resolves to each city and town.

Resolved, That a printed copy of these resolves, including the said article of amendment, and blank forms of the returns of votes on said article, shall be transmitted as soon as may be by the secretary of the Commonwealth, to the mayors and aldermen of the several cities, and the selectmen of the several towns of this Commonwealth.

Approved May 6, 1881.

**RESOLVE AUTHORIZING THE ATTORNEY-GENERAL TO DISCONTINUE
A CERTAIN SUIT AGAINST THE BOSTON AND ALBANY RAILROAD
COMPANY, ON CERTAIN CONDITIONS.** *Chap. 58*

Resolved, The attorney-general is hereby authorized to discontinue the suit at law and the proceedings in equity, commenced against the Boston and Albany Railroad Company in pursuance of the resolve of the year eighteen hundred and eighty, chapter fifty, whenever settlement of the claims and matters therein asserted, on behalf of the Commonwealth, shall be made to the satisfaction of the harbor and land commissioners, with the approval of the governor and council.

Suit against Boston and Albany R.R. Company may be discontinued.

Approved May 6, 1881.

RESOLVE IN FAVOR OF CHARLES F. FOLSOM.

Chap. 59

Resolved, That there be allowed and paid out of the treasury of the Commonwealth to Charles F. Folsom the sum of four hundred dollars, the same being for services rendered as secretary of the state board of health, lunacy and charity, from June eighth to October first, in the year eighteen hundred and eighty.

Charles F. Folsom.

Approved May 7, 1881.

RESOLVE IN FAVOR OF THE STATE PRIMARY SCHOOL AT MONSON.

Chap. 60

Resolved, That there be allowed and paid out of the treasury of the Commonwealth a sum not exceeding thirteen thousand five hundred dollars, as follows, to wit: six thousand five hundred dollars to erect and complete a reservoir; two thousand dollars for a four inch service pipe from said reservoir to the school buildings; three thousand five hundred dollars to erect and complete a new hospital building; one thousand five hundred dollars to repair the old hospital building and to repair and refit water closets in the same: the same to be expended under the direction of the trustees of the state primary and reform schools, subject to the approval of the board of health, lunacy and charity.

State primary school at Monson.

Approved May 7, 1881.

RESOLVE RELATIVE TO THE CENTENNIAL CELEBRATION AT YORK-TOWN.

Chap. 61

Resolved, That a sum not exceeding ten thousand dollars be allowed and paid, to be expended under the direction of his excellency the governor, for a proper representation of the Commonwealth at the centennial celebration of the surrender of the British army under Cornwallis to the American army under Washington, to be held at Yorktown, Virginia, in October next. And the governor

Centennial celebration at Yorktown.

Encampment of militia may be authorized to be held without the limits of the state.

may authorize an encampment at some time during the present year, of any brigade, regiment, battalion, company, or corps of cadets, without the limits of the state; and any brigade, regiment, company, battalion, or corps of cadets which at such encampment shall fulfil the requirements of law with reference to encampments, to the satisfaction of the governor or of such officer as may be designated by him to report thereon, shall be relieved from the requirements of law with reference to encampments within this state, during the present year, and the officers and enlisted men of such brigade, regiment, battalion, company, or corps of cadets shall receive the same pay and allowances for service in such encampment as they would be entitled to receive if the encampment were had upon the state grounds in the town of Framingham.

Approved May 12, 1881.

Chap. 62 RESOLVE FOR A PLAN FOR THE DRAINAGE OF THE MYSTIC VALLEY AND THE NEIGHBORHOOD OF THE CITY OF BOSTON.

Drainage of the Mystic Valley and the neighborhood of the city of Boston.

Resolved, That the governor and council are hereby authorized and requested to examine and report in print to the next legislature, a plan for the drainage of the Mystic valley, with an estimate of the cost thereof and a recommendation as to the methods of apportioning said cost. And they are further authorized, within their discretion, to include the Charles River valley and the immediate neighborhood of the city of Boston in their investigation regarding drainage, and in any plan or recommendation which they think it advisable to report for the action of the legislature. For these purposes they may incur such engineering or other expenses as they may deem necessary.

Approved May 12, 1881.

Chap. 63 RESOLVE IN FAVOR OF THE MASSACHUSETTS CHARITABLE EYE AND EAR INFIRMARY.

Massachusetts Charitable Eye and Ear Infirmary.

Resolved, That there be allowed and paid out of the treasury of the Commonwealth to the Massachusetts charitable eye and ear infirmary, the sum of five thousand dollars, for the purpose of aiding in the enlargement of the building of said institution.

Approved May 12, 1881.

Chap. 64 RESOLVE IN FAVOR OF THE TRUSTEES OF THE STATE LUNATIC HOSPITAL AT TAUNTON.

State lunatic hospital at Taunton.

Resolved, That there shall be allowed and paid out of the treasury of the Commonwealth to the trustees of the

state lunatic hospital at Taunton, the sum of twenty-five thousand dollars, to be expended by said trustees for the building an addition to the centre building of said hospital, so as to furnish store rooms for hospital purposes, sleeping rooms for the help, work rooms for male patients, and for placing the water tanks of the hospital at a higher elevation.
Approved May 12, 1881.

RESOLVE IN FAVOR OF THE STATE PRISON AT CONCORD.

Chap. 65

Resolved, That there be allowed and paid out of the treasury of the Commonwealth a sum not exceeding six thousand dollars, to be expended under the approval of the commissioners of prisons, for the ventilation of the state prison buildings, and for the disposition of the sewage in the prison precincts. The board of health, lunacy and charity, whenever requested so to do by the selectmen of the town of Concord, shall ascertain whether the sewage of the state prison has been purified or cleansed in a manner satisfactory to said board. If upon investigation they shall find that it has not been so purified or cleansed, they shall forthwith notify the board of commissioners of prisons to that effect, and said board of commissioners shall thereupon forthwith proceed to purify and cleanse said sewage in such manner as said board of health, lunacy and charity shall in writing approve, or so dispose of the same that no part thereof shall enter the Assabet River.
Approved May 12, 1881.

State prison at Concord.

Ventilation and sewage.

RESOLVES DIRECTING TRANSFERS BETWEEN CERTAIN SINKING FUNDS.

Chap. 66

Resolved, That the treasurer is authorized and directed to transfer from the fund of the commissioners on public lands to the Troy and Greenfield Railroad loan sinking fund, the sum of four hundred thousand dollars.

Resolved, That the treasurer is directed to transfer to the Troy and Greenfield Railroad loan sinking fund the entire agreement of the New York and New England Railroad Company for the purchase from the Commonwealth of lands at South Boston, made in accordance with the provisions of chapter two hundred and sixty of the acts of the year eighteen hundred and eighty, at a valuation, including the land and the payments already made under said agreement for the purchase of the twenty-five acre piece so called, of one million eighty-six thousand five hundred and thirty-two dollars; and in part consideration therefor, being the excess above the amount at which said

Treasurer to transfer certain sinking funds.

land now stands credited to said fund, he is directed to transfer from the Troy and Greenfield Railroad loan sinking fund the sum of five hundred and forty-one thousand five hundred and thirty-two dollars to the Commonwealth's flats improvement fund, subject to the obligation of the provisions of chapter three hundred and twenty of the acts of the year eighteen hundred and seventy-two, for the repayment of scrip issued for the improvement of South Boston flats.

To pay certain scrip or certificates of debt.

Resolved, That the treasurer is authorized, subject to the direction of the governor and council, to pay the principal of the scrip or certificates of debt issued under the provisions of section five of chapter three hundred and twenty of the acts of the year eighteen hundred and seventy-two, out of the funds of the Commonwealth's flats improvement fund, instead of issuing scrip under the provisions of chapter two hundred and one of the acts of the present year.

Approved May 12, 1881.

Chap. 67 RESOLVE REGARDING THE SEWAGE OF THE CITY OF WORCESTER.

Disposition of sewage of Worcester to be investigated.

Resolved, That the state board of health, lunacy and charity is hereby authorized and directed to examine and consider the question of the disposition of the sewage of the city of Worcester, especially with a view to prevent the pollution of the Blackstone River and its tributaries, and report its conclusions in print to the next legislature, with recommendations as to a definite plan for the prevention of such pollution. For this purpose the board may employ such assistants and incur such engineering or other expenses as shall be approved by the governor and council.

Approved May 12, 1881.

Chap. 68 RESOLVE PROVIDING FOR CERTAIN IMPROVEMENTS AT THE STATE HOUSE.

State house improvements.

Resolved, That there be allowed and paid out of the treasury of the Commonwealth a sum not exceeding forty-five thousand dollars, for the purpose of making improvements in the basement of the state house, substantially in accordance with plans submitted by the joint standing committee on the state house; said amount to be expended and the improvements made, under the direction of a commission to consist of the commissioners on the state house, who shall perform this service without additional pay, together with two other persons, to be appointed by the governor and council, who shall receive such compen-

sation as the governor and council may determine: *provided*, that no expense, except for surveys and plans, shall be incurred under this resolve until contracts have been made, approved by the governor and council, ensuring the completion of the entire work within the sum herein named.

Approved May 12, 1881.

RESOLVE PROVIDING FOR REPAIRS ON THE STATE HOUSE.

Chap. 69

Resolved, That there be allowed and paid out of the treasury a sum not exceeding seven thousand dollars, for repairs and improvements on the state house, to be expended under the direction of the sergeant-at-arms and the commissioners on the state house, and the same is hereby appropriated.

Repairs on the state house.

Approved May 13, 1881.

RESOLVE IN REFERENCE TO THE DOUBLE TRACKING OF THE TROY AND GREENFIELD RAILROAD AND HOOSAC TUNNEL.

Chap. 70

Resolved, That the manager of the Troy and Greenfield Railroad and Hoosac Tunnel, under the direction of the governor and council, is hereby authorized and directed to complete the double tracking of said road, within three years from the passage of this resolve.

Road to be double tracked.

Approved May 13, 1881.

RESOLVE IN RELATION TO THE COMMONWEALTH'S FLATS AT SOUTH BOSTON.

Chap. 71

Resolved, That from the Commonwealth's flats improvement fund the sum of five hundred thousand dollars is hereby appropriated, for the purpose of enforcing and executing the provisions and requirements of existing laws relating to the Commonwealth's flats at South Boston, and for the payment of money which may be needed to carry out the provisions of chapter two hundred and thirty-nine of the acts of the year eighteen hundred and seventy-five.

Laws to be enforced relative to Commonwealth's flats at South Boston.

Approved May 13, 1881.

THE General Court of 1881, during its annual session, passed three hundred and five Acts and seventy-one Resolves, which received the approval of his Excellency the Governor. In addition to these, a Resolve entitled "Resolve in relation to Dock and Railroad Terminal Facilities in the Port of Boston" was laid before the Governor for his approval, and was returned by him to the Senate, in which it originated, with his objections thereto. The Senate proceeded to reconsider the same agreeably to the provisions of the Constitution, and the vote being taken on passing said Resolve, the objections of the Governor to the contrary notwithstanding, the same was rejected, two-thirds of the members present and voting thereon not having voted in the affirmative.

The General Court of 1881 was prorogued on Friday, May 13, the session having occupied one hundred and twenty-nine days.

INAUGURAL ADDRESS

OF

HIS EXCELLENCY JOHN D. LONG.

AT one o'clock on Thursday, the sixth day of January, his Excellency the Governor, accompanied by his Honor the Lieutenant-Governor, the members of the Executive Council, and officers of the civil and military departments of the government, attended by a joint committee of the two Houses, met the Senate and House of Representatives in Convention, and delivered the following

ADDRESS.

*Members of the Senate
and of the House of Representatives.*

I call your attention at once to the financial exhibit, the statistics of which, as well as those relating to other interests of the State, have been, as usual, furnished by the respective departments to which they relate.

THE PUBLIC DEBT.

The following is a statement of the amount and character of the funded debt:—

Aggregate debt Jan. 1, 1880	\$33,020,464	
It has been reduced by payments during the year as follows:—		
Back Bay Loan	\$220,000	
Six per cent scrip of 1856	1,000	
		221,000
Aggregate debt Jan. 1, 1881	\$32,799,464	
Classified under these heads:—		
Railroad loans	\$17,738,996	
War loans	10,468,188	
Public buildings, etc.	4,592,280	
		\$32,799,464

The maturity of the remaining portions of the debt is shown in the following table:—

1883	.	.	.	\$1,088,000	1894	.	.	.	\$10,921,244
1888	.	.	.	3,061,300	1895	.	.	.	4,840,260
1889	.	.	.	3,142,128	1896	.	.	.	1,100,000
1890	.	.	.	503,468	1897	.	.	.	520,000
1891	.	.	.	3,815,040	1900	.	.	.	3,599,024
1893	.	.	.	209,000					

SINKING FUNDS.

The aggregate of the several sinking funds amount- ed on the 1st of January, 1881, to	.	.	.	\$12,990,812	59
Amount of the same Jan. 1, 1880	.	.	.	12,235,248	29

Showing an increase of \$755,564 30

Notwithstanding the payment from the funds of the Back Bay Loan,
amounting to \$220,000.

The abundance of money seeking investment at the present low rates of interest is an embarrassment in the management of these funds.

They were established on the basis of six per cent. investments, and the compulsory loan of their accumulations at lower rates may impair their ability to meet some portions of the debt at maturity. It is expected however that any deficit that may arise from this cause will be overcome by other resources set apart by law for the purpose. In the case of the "Prison and Hospital Loan Sinking Fund," it will be necessary during the present session of the legislature to make good the deficit occasioned by the failure of the Commonwealth to sell the State Prison property at Charlestown. Chap. 391 of the Acts of 1874 provides that this property shall be sold, and the proceeds of the sale paid into the treasury as a contribution to that fund. It also provides, that, if the receipts of the fund do not in any fiscal year equal three per cent. of the total amount of scrip issued, the difference shall be raised by taxation. That contingency has arisen by the inability of the State to dispose of the property, although the amount to be raised cannot be definitely stated at the present time.

This property has been advertised for sale, and bids for it have been invited; but no purchaser has been found, except for a strip of land lying outside of the enclosure of the old State Prison, and alongside of the Boston and Maine Railroad, containing some fifty-seven thousand square feet, for the purchase of which the Fitchburg Railroad Company have negotiated at a price amounting to

some \$47,750. This will necessitate the moving of a freight track of the Eastern Railroad in accordance with Chap. 360 of the Acts of the year 1873.

The price of real estate is, however, rising; and as this prison site, containing several hundred thousand square feet, is so near the convergence of several railroads, and is so accessible to industrial interests, the prospect of selling it at a good price, within a reasonable time, is much improved.

The net receipts from this property for the year 1880 were \$2,123.92. In 1879 they were \$1,521.76.

COMPARATIVE RESULTS.

The financial transactions of the year have been confined mainly to the receipts and disbursements of the revenue for the expenses of the government. No excessive outlay of money has been required to meet unexpected emergencies. The funded debt has been decreased, and there are no temporary loans to provide for.

The credit of the Commonwealth maintains the high standing which it has always enjoyed at home and abroad, and which has been gained by the most scrupulous good faith in the keeping of all its pecuniary obligations. No whisper of repudiation has found echo in its legislative halls, nor among its people.

The expenses of 1880 compared with those of 1879 show the following aggregates:—

	1880.	1879.
Ordinary expenses . . .	\$1,565,528 27	\$1,562,712 98
Exceptional expenses . . .	4,523,461 30	4,040,687 66
	<hr/> \$6,088,989 57	<hr/> \$5,603,400 64

The exceptional expenses of 1880 are in part due to the very increase of the receipts,—\$561,000 of said expenses being the excess of the corporation and national bank tax refunded in 1880 over the amount refunded in 1879 by the Commonwealth to its cities and towns.

ESTIMATES FOR 1881.

The estimates for the current year are based upon existing laws, and the expectation that the present business prosperity will continue.

	1881.	1880.
Payments for all purposes . . .	\$1,337,912 00	\$1,176,877 00
Receipts including cash on hand . .	4,120,357 06	2,950,777 07
	<hr/> \$217,554 94	<hr/> \$1,226,099 93
Deficit to be provided for by taxation,		

This is a condition of things better even than that of two years ago, when the deficit was reported at \$316,392.21, and when, unwisely, as was shown by the result, a tax of only half a million dollars was laid. For the coming year a tax certainly not exceeding a million dollars, and perhaps less than that sum, — unless you incur, as I trust you will not, unexpected extraordinary expenditures, — will be enough to meet the estimated deficit, and, as has been the general custom, to provide for the subsequent wants of the treasury in anticipation of the revenues of 1882.

PRISONS AND PUBLIC INSTITUTIONS.

These are generally in good case. At the Women's Prison a new superintendent has been appointed, and the institution is in successful operation. There seems to be nothing lacking in its administration to make it a true reformatory. An erroneous impression of unhealthfulness connected with its location has been dissipated by the report of an expert medical authority made after several days' personal examination, and still further by the good health which has prevailed among the inmates. Of the four deaths during the last six months, none, and of the sixteen patients in hospital at the close of the year, only two, were cases of sickness contracted after commitment; and those two were cases for surgical treatment. There has been also an improvement in the cost of the institution, the estimate for its running expenses for the coming year being ten thousand dollars less than for last.

A full investigation by the Governor and Council into the management and conduct of the officials of the State Prison, at Concord, was made during the summer, in accordance with a resolve of the last legislature. Ample public hearings were had, and full evidence was taken. The resolve made no provision for a report; but one was written and published, a copy of which I shall be happy to furnish you if desired. While the management of the prison was found to have been attended with some grave faults, the result of the investigation was to correct many false and unjust notions concerning it, and on the whole to vindicate its administration.

The financial condition of the State Prison has steadily improved: and this year its earnings have so much increased that they nearly equal the expenses, the deficit being less than one-half of what it was a year ago.

I renew my suggestion of last year, as to the reformation

of criminals and the desirability of their classification, and, at reasonable expense, of transferring to one of our public institutions, where accommodations can be provided, some of those few younger convicts who evince genuine elements of reform, and whose punishment is not so much demanded by the nature of their offence, as their reformation. For this purpose, it seems to me the old prison at Charlestown is not best fitted. To re-occupy even a single wing of it, is to begin another great public institution, and lay the foundation for spending another million or more of dollars. The plan of the commissioners is better,—to try the experiment first in some existing house of correction, like the excellent one at Fitchburg, where, I am informed, industrial opportunities can be secured, and where the experiment can be tried under the most favorable circumstances.

An act of the last legislature, which, by the way, should be amended so as to include the House of Industry, provides that county commissioners may, with the consent of the magistrate or district attorney, put certain convicts, not guilty of felony, upon probation with a view to their reformation. Prior to this the county commissioners already had the power to discharge persons convicted of the lighter offences enumerated under Sect. 28 of Chap. 165 of the General Statutes,—a power which in some cases has been exercised with great indulgence. From one house of correction, fifty-four convicts—exceeding by sixteen the whole number pardoned by the Governor and Council throughout the whole Commonwealth—were thus discharged during the past year, of whom eighteen had been committed before. Six of the eighteen had previously been similarly discharged. Five of the eighteen have since their last discharge been recommitted on new complaints. To make the two statutes harmonious, I recommend that no such discharge be allowed except upon notice, where practicable, to the complainant, and upon the recommendation of the magistrate, or, in cases from the Superior Court, of the district attorney.

The statute passed last winter reducing the penalty for drunkenness, though good in principle, has not in practice met expectation. It needs to be amended if it is to be retained and made of value. In that case it might be wise, as in Chap. 280 of the Acts of the year 1866, to require the offender, when claiming that his drunkenness is a first offence, to show to the satisfaction of the court that he has not been previously convicted on the same charge within

the Commonwealth. There is in this statute a humane purpose which still commends it to your consideration.

With regard to all our public institutions for the insane, the convict, or the poor, penal and charitable alike, their officers, trustees, and supervising boards are intent upon their duty, and laboring to render the best service. The only criticism is, that sometimes, in their very zeal and consciousness of devotion to their trusts, they are sensitive to supervision as if it involved invasion of their jurisdiction. It must never be forgotten that the sole persons whose rights are in danger of being overlooked, or whose interests are the one ultimate consideration, are the inmates themselves, the convicts in the prisons and jails, the insane in the hospitals, the paupers in the almshouses. The one vital thing is inspection and full exposure to the public eye. I should not do justice, however, if I, a witness now for two years of the faithful labors of the various officials charged with the supervision and management of our public institutions, did not remind you of the good service they render the Commonwealth, many of them without pay and at personal inconvenience. The cases where officers have proved unfaithful to their duty have been few.

The beneficiaries of our State charities have, under the good administration of that department, steadily diminished in number, except in the case of the insane. The increase among these is not believed to be due to an increase of insanity among our people, but rather to an accumulation of persons mentally affected, resulting in part from the very abundance of accommodation for them. More room for these must soon be made, but not perhaps necessarily at your session. I trust that, both as a matter of treatment and economy, some other plan will be adopted than that of erecting another costly hospital like the last. It is desirable that there should be a more intelligent classification of the insane, instead of herding them all together. I see no reason why, taking some of our State or county buildings, which I understand are available for the purpose, separate provision should not be made, for instance, for the criminal insane, a hundred of whom, perhaps, could now be collected apart, thus humanely and justly relieving the others from what they and their friends rightly feel to be a reproach and a constant personal danger, and also relieving the growing pressure of numbers to be provided for in present quarters. I am advised that this classification should be made at an early date. It is

also true that among the insane poor, are many epileptic patients. Their presence in our hospitals disturbs the discipline and treatment of the ordinary insane; and they might well be placed in a separate establishment, not at present, but whenever a sufficient number shall warrant.

Other classifications suggest themselves, after all of which, however, the great body still remains to fill our hospitals. In the treatment of them the tendency is toward less and less restraint, both as a matter of personal right and of cure. An insane man is not often a criminal, and is entitled to personal freedom except so far as restraint is necessary for keeping himself from harm, and others from intolerable annoyance or danger. Certainly in our asylums there are great numbers of inmates, especially among the chronic insane, needing mainly the oversight of a friend, harmless, and differing in no respect from those patients at private retreats, who are allowed almost unrestricted liberty, and who are rather boarders than any thing else. If these could be transferred from our present asylums as circumstances shall warrant or require, room would be made for the cases that necessitate more restraint, as well as for the increasing needs of the future. It is worth considering whether the system, which promises to be so successful, of finding cheap and good boarding-places for young children now at the State Primary School could not be applied also to the harmless insane. Many of these are able to labor, and would derive benefit from employment. Many patients of this class have been thus removed from hospitals in former years; and the same policy might now be further extended, as is done in Scotland and other countries. In that case, every needful safeguard should be provided against abuse or neglect of this helpless class. Or, if the numbers increase so that the State should still itself prefer to board them, it could do so in cheap, wholesome tenements, and in the simplest atmosphere of inexpensive and comfortable homes. In either case there must of course be regular visitation, and medical oversight. But such a policy would dispense with unnecessary attendance in the cases which need it least, and permit an increase of attendance for those violent insane, with whom also mechanical restraints should assume the place of a helping hand as little as possible. Contrary to what was the prevailing opinion twenty-five years ago, it is now coming to be agreed by the best experts, that the recent and presumably curable insane should not be crowded together with the chronic and incurable in great hospitals

where the very air seems charged with the hopelessness of a madhouse.

Connected with this change of opinion is the suggestion lately made to me, that, if it shall come to the erection of new buildings, these should be small hospitals, where the curables could have every available appliance for their recovery; while, for the incurables, buildings such as I have already referred to, constructed at no great expense, would be found sufficient to meet any exigency for some years to come.

From all the information that has come to me, it seems that the laws for the commitment and detention of the insane are better understood and more carefully administered than ever before. I commend to your attention the recommendations of the Board of Health, Lunacy and Charity, upon this and other important subjects with which it deals.

With regard to the board itself, I trust you will make no change. It embraces two or three subdivisions, formerly kept apart, yet closely affiliated and interdependent. Its work has been well done, and it is hardly worth while to try a new experiment every year or two in the mere form of the central supervision of the interests now intrusted to its charge. I am persuaded that the change of 1879 was rather one of form than of substance, and that any further change, or change back, would be the same.

THE CHARLES AND MYSTIC RIVERS DRAINAGE.

The continued and increasing use of the Charles and Mystic Rivers as reservoirs of sewage will be brought before you by the same board. The foul condition of either stream will be an injury to both health and comfort in the towns near its mouth, however good their own drainage may be. As it is not possible for any one of these towns to carry out a system of sewerage that is not liable to injure a neighboring town, some sort of concerted action is necessary; and it is suggested that this board or some other competent authority have power to arrange, or at least to report upon, a comprehensive system for draining the entire area embraced within a semicircle of a radius of ten miles from the State House. How great the interest of these towns in this matter is, appears in the fact that seventeen of them contain more than half the valuation and more than a third of the population of the whole Commonwealth.

SAVINGS INSTITUTIONS AND COUNTY ACCOUNTS.

The total of deposits in the savings banks Oct. 30, 1880, was \$218,047,922.37, — an increase for the year of \$11,669,212.84. The number of depositors was 706,395, — an increase of 30,840. There are now a hundred and sixty-four savings banks doing business in the Commonwealth: — two less than last year; one having voluntarily closed after paying the depositors in full, with a four per cent. dividend additional; the other having been placed in the hands of receivers to be wound up.

I am gratified to announce a marked improvement in the condition of the savings banks generally. Of the eight which were temporarily enjoined by the Supreme Court early in the year, seven have been restored to the full exercise of their corporate powers, and are gradually gaining public confidence. Of the twenty in which payments to depositors were limited by the commissioners, all but one have been relieved from that restriction, and their condition is also improving. Of the fourteen in the hands of receivers, two will pay depositors in full, and the rest an average dividend of more than seventy-five per cent.

There appears to be an increased interest in the establishment of co-operative saving fund and loan associations. Six have been incorporated during the year, making sixteen in all. Their primary object — which is to assist persons of moderate means in securing homesteads upon the credit of their monthly savings — recommends them to your fostering care, and, at the same time, requires that their stability should be secured by wise and conservative legislation.

The recent developments regarding the so-called “Ladies’ Deposit” in Boston, together with several private schemes under the guise of savings institutions — over which, however, the State has at present no supervision — demand your prompt and thorough consideration. Legislation should guard against the establishment of institutions which are intended, or may be perverted, to secure the savings of the poor or inexperienced for speculative or dishonest purposes.

There has been a general improvement in the method and accuracy of keeping county accounts. This has extended, under the operation of last year’s legislation, to those counties which have hitherto been reported deficient in this respect. It is an improvement which should be sustained and made permanent.

EDUCATION.

The secretary of the board reports 5,570 public schools in the State, with 306,770 pupils, taught by 8,595 teachers, and costing \$4,519,413.05. They were kept an average of $8\frac{1}{2}$ months; the average attendance was eighty-nine per cent., and the average cost for each pupil was \$14.54. These returns show the great interest of the people, and it is an increasing interest, in their schools. I am sure they may be trusted to maintain them, without the necessity elsewhere of exceeding their appropriations. The impulsive outcry just now wrung out by annual municipal statements of the great cost of our common schools will only do their cause good if met with discrimination. While it is time to recognize that there is no spare money to be wasted in extravagant architecture and external appointments, on the other hand, when it comes to essentials, the last dollar to be economized in Massachusetts is that which gives the poorest public scholar free access to the best public education. You will not begrudge it when you see it shining back in his brightened face, or even in the speaking eye of a deaf mute, to whom it has unlocked a new avenue of human intelligence and the very sympathies of the human voice. Take care that no fundamental attack be made upon our common school system under cover of a criticism of its cost.

The relation that intelligence holds to public virtue and thrift is afresh attracting the most thoughtful attention. The statistics show that wherever education is most diffused, crime and pauperism most diminish and are mainly supplied from the ranks of illiteracy. Massachusetts is no exception to this rule; and the blundering ignorance of some recent publications to the contrary is only a re-statement of what was asserted a few years ago in much the same phrase and illustration, and the fallacy of which was then thoroughly exposed in the appendix to the forty-second annual report of our own Board of Education. We may well be proud that our Commonwealth carries instruction to all classes, and that the State poor, the deaf and dumb, the blind, and even the feeble-minded, are carefully taught, to an extent hardly credible except upon observation.

For the preparation of trained teachers there are six State normal schools, and the State teachers' institutes. More than one-fifth of our public-school teachers are graduates of these normal schools, and nearly twelve hundred more have received limited instruction during the year at the institutes.

Many of the larger towns have already provided their schools with special superintendence, and the smaller towns are beginning to form themselves into convenient districts for the same purpose. It is very desirable that this work should go on till all the public schools of the State are under intelligent and advanced supervision.

The Normal Art School is now desirably housed in a commodious building, which is in a good locality, and which has been leased for a term of three years at a reasonable rent. It may prove to be a good place for more permanent location.

It has been suggested that each city and town should be authorized by law to fix the term of service for which its teachers shall be elected.

AGRICULTURE.

Our agricultural interests deserve encouragement, so that our rural population may be retained, our farming towns saved from falling off, and our farms kept up. The intelligent attendance at our county exhibitions and agricultural institutes is proof that our farmers are alive to the demands and opportunities of their calling. Compelled to a competition with the West, made severer for them by the very expansion of our railroad facilities for which they are taxed, they should not be forgotten, unless Massachusetts is to be crowded into its few cities and large towns, and devoted exclusively to manufactures and commerce. It is gratifying to discover a tendency on the part nowadays of young men, possessed of capital, to invest it in farms, not carried on for amusement, but as a matter of business and profit. It is recognized more and more that farming, like any other calling, is successful in proportion to the intelligence, the brains, and the capital invested in it. This is a promising outlook, alike in view of a re-awakening interest in farming, in the increase of crops, stock and prices, and in the application of science to agricultural methods.

The Agricultural College, with a smaller number of pupils, is wisely keeping its expenses within its income; and though cramped by its want of funds which, I trust, like those of other colleges, will some time be increased by private munificence, is earning its way to a strong and permanent hold on public and legislative confidence. Nothing worse could happen to it, I believe, than a renewal of the spasmodic swing backward and forward from over-gen-

erous legislative bounty to indiscriminate legislative attack, which formerly attended its career. As at present a school rather than a university, educating the young men who, though in limited numbers, attend it, doing all it can with its small income, and not going outside of that into debt, it is, under the policy to which the Commonwealth seems now committed, fairly entitled, as well as so many other interests which have been liberally fostered, to the consideration of the Commonwealth, and to its help whenever it undertakes any special work that will promote our agriculture.

I renew my query whether the bounties now given by the State to the county societies cannot in some cases be used to secure more direct and practical results in behalf of good farming.

It has been suggested that there should be some more specific legislation for the investigation and avoidance of contagious animal diseases affecting beef and pork and milk, with a view to protect the public against diseased animal food.

For some special topics which are just now interesting our farmers, such as ensilage, corn-growing and beet-sugar making, I refer you to the report of the secretary, who a few months ago was elected by the Board of Agriculture to fill the vacancy made by the retirement of Mr. Flint after more than twenty-five years of useful and intelligent service.

HOOSAC TUNNEL AND TROY AND GREENFIELD RAILROAD.

Anticipating somewhat the manager's report, which will invite your attention to many important matters, and to a detailed statement of receipts, expenditures, and earnings. I am informed by him, that even at the nearly one-third lower rate of tolls fixed by the arbitrators in July, 1879, the gross earnings for the railroad year ending Sept. 30, 1880, show an aggregate increase.

The condition of the road, tunnel, and property generally, has been greatly improved. Three miles of sidings have been added, making more than twenty-one in all. The Braytonville bridge has been rebuilt; bank-walls, telegraph-towers, freight-houses, interlocking signals, and other improvements have been completed. The union depot at Greenfield is in good progress; and the work at the central shaft in the tunnel has been carried forward, the latter however with unreasonable delay by the contractor.

In spite, however, of the expenses attending all these extensive necessary improvements, and of the wash-out and land-slides incident to the unprecedented storm of last July, the total receipts from the road fall short of the expenditures, as reported to me by the manager, only \$5,782.76, which sum represents the net cost to the State treasury for the said railroad year. Taking in the six prior months, so as to cover the whole period of the present management, there is, on the other hand, a net profit of \$13,619.15. It will thus be seen that the policy so far has been substantially maintained of keeping the road up to standard in construction and betterment, but confining the expenditures for these within the limits of the revenue derived from it. Better than this the road is not likely to do for some time to come, during which the double track, which is already in progress from the Vermont State line, must be extended the whole length of the road. When this is done, and the terminal facilities are furnished at Boston which the Dock and Elevator Company have already put in progress, the business of this road will have its opportunity for unlimited development. But, important as these improvements are, the present general policy should be pursued of furnishing them as the earnings of the road warrant the cost of their construction.

Already the business of the road has largely increased in the number both of passengers and of freight-ton miles. An extensive coal carriage has sprung up. The Boston, Hoosac Tunnel, and Western Railroad opened communication with the tunnel route a year ago, and the New Haven and Northampton Railroad is nearly ready to enter it.

Undoubtedly a new impulse has been given to business and to the commercial development of the road, by the action which has been taken during the year under the Act of 1880, authorizing the manager to contract, by direction of the Governor and Council, with any railroad corporation for the operation of the Troy and Greenfield Railroad. Under this act a contract has been made with the Fitchburg Railroad Company, by which that corporation is to operate the road for seven years from Sept. 30, 1880, at a compensation which shall be the actual expense of said operation, provision for the ascertainment of which is made in said contract. Similar contracts have been made with the Boston, Hoosac Tunnel, and Western Railroad Company, and are in progress with the New Haven and Northampton Railroad Company, and with the Troy and Boston Railroad Company. The effect has been to give perma-

nence to the operation of the whole road, and confidence in it on the part of connecting roads and shippers, and steadily to increase the volume of business.

The manager forcibly urges the importance of lodging with the railroad commissioners power to compel connecting roads coming from outside the State, and connecting with the State's road at the State line, to provide their trains with the appliances which have become necessary for the safe and prompt movement of freight and passenger trains over the State's road, and owing to the lack of which accidents have already happened, accompanied by great loss.

Legislation is also at once necessary to give the manager controlling authority over the movement of all freight trains, cars, and engines in the North Adams yard, which is a converging point for all the roads, and perhaps in other yards. Unless this authority is in some one hand, all is confusion and interminable delay.

During the year constant and urgent appeals have been made in behalf of through freight and passengers for leave to run regular trains on Sunday, arriving at or leaving Boston in the middle of the day. As this is secular business, not coming under the well-established and judicial interpretations of necessity and charity, I instructed the manager that he could not allow the use of the road and property of the Commonwealth in manifest violation of its own laws, or afford any relief under them as they now exist. You alone have power to provide for such cases.

In view of the admitted fact, that the right to redeem this property of the State is in the Troy and Greenfield Railroad Company, and that at present there seems to be no certain method provided by which that right can be exercised or secured, it is your duty in equity and justice to provide one, either through the direct action of the legislature in an adequate manner, for I recognize that the matter is now in your control, or, which seems to me right, by authorizing a resort to the Supreme Judicial Court in such a manner as to preserve the rights of both parties. What course shall be pursued in that respect, it is for you to decide; but it is certainly just that this mortgagor should by your action be enabled to exercise or have the full benefit of redemption, which was preserved to it by the Act of 1862. The question will occur, whether the legal relations of the parties have been modified in any way by the consent, express or implied, of either of them, and whether the party having the right to

redeem has not so acted with full knowledge of the facts attending the progress of the tunnel, and so acquiesced in the manner and course of its construction, allowing the Commonwealth to make its immense outlays for the successful completion of the work without objection or protest, that it is now fully entitled to be repaid, in accordance with general legal principles, what it has thus expended in good faith under the advice of competent engineers, with all the light afforded at the time by the highest intelligence on the subject, and while carrying out, consistently with the general original project, those scientific and practical methods and plans which then seemed reasonable in connection with an enterprise of unknown and unparalleled magnitude and difficulty. Where, also, in the same good faith and in the necessary development of the work, changes were made from the original project, as in the location of the railroad, or the size of the tunnel, which subsequent experience has shown to have been wise and beneficial, and to which the mortgagor with full knowledge made no objection, it is claimed that the Commonwealth should, in accordance with the principles of law applicable to such a state of facts, be compensated for the proper cost of such changes and enlargements, if the mortgagor expects to come into possession of them, and enjoy all the profitable results accruing from them. While the Commonwealth should so act as to secure justice to the Troy and Greenfield Railroad Company, it should insist on justice to itself.

The following is a statement made to me, by the auditor, of the receipts and expenses of the Troy and Greenfield Railroad and Hoosac Tunnel:—

EXPENSES.					
Paid from the income	.	.	.	.	\$178,251 19
Paid from the fund	.	.	.	.	92,302 60
Paid from the treasury	.	.	.	.	6,075 66
Total	.	.	.	.	\$276,629 45
Add interest	.	.	.	.	709,627 78
<hr/>					
Paid during the year	.	.	.	.	\$986,257 23
RECEIPTS.					
From earnings	.	.	.	.	\$239,295 69
From rents, etc.	.	.	.	.	28,699 17
<hr/>					
					267,994 86
<hr/>					
Net payments in 1880	.	.	.	.	\$718,262 37

COST OF THE TUNNEL.

Net cost Jan. 1, 1880.	.	.	.	.	.	\$19,5	1,579	94
Add net payments in 1880	.	.	.	.	.	7	000	37
Net cost Jan. 1, 1881	.	.	.	.	.	\$20,241,842	31	

The year here referred to is the calendar year; while the manager's report covers, I take it, the railroad year, which ends Sept. 30.

HARBORS AND PUBLIC LANDS.

The sales of land on the Back Bay during the year amount to \$315,053.60; those at South Boston to \$1,109,419.20. There has been received for tide lands occupied by structures licensed, \$27,484.82.

The increase of foreign commerce at the port of Boston has been large, and the pressure upon the facilities for it greater than ever before. Active measures are in progress to accomplish the improvements at Charlestown and at the North End wharves which were made possible by the modification of the harbor lines last year. At East Boston the facilities have been materially improved and extended; but the commissioners will present for your action a proposed important change in the harbor line to permit a further increase of accommodation for foreign steamers at this point. At South Boston, upon the land sold to the New York and New England Railroad Company, the work of its preparation for their terminal facilities has been vigorously pressed. It was a good sale, and it is only just to the commissioners to say that it is due to them that the Commonwealth received so satisfactory and so justly large a price for this land. It is reasonable that an allowance be paid them for their special services, exceeding, as they certainly did, the requirements contemplated in their usual and present *per diem* compensation, which, perhaps, should more properly, as in the case of other similar commissioners, be changed to a fixed salary. The price of the land was \$1,108,165, of which the first instalments, amounting to \$46,633, have been promptly paid according to the statute.

This rapid absorption of our present harbor facilities, together with the work of the New York and New England Railroad Company on the one hand, and of the Dock and Elevator Company on the other, and the immense business that is pouring by every railroad into the port of Boston, give striking promise for the commercial future of

Massachusetts, and suggest the necessity of the largest knowledge and wisdom on the part of the commissioners in the development of the remainder of the flats property of the Commonwealth, which is by no means exhausted, and of which, when filled, the few acres already sold are but a small fraction. It therefore seemed to me important that the commissioners should be able to act in the light of what has been done in the great commercial ports of the world. As the best method of obtaining full information, one of the commissioners has visited some of the leading ports of Europe, and examined very fully the system of wharf and dock administration at Liverpool, and, as fully as time would permit, the works of a similar character at London, Amsterdam, Rotterdam, and Antwerp. I believe the information obtained, which will be laid before you, will be of service to the commission in its general work as well as in its special application to the development of the Commonwealth's property.

The commissioners have given attention to the various measures proposed for the improvement of Charles River basin, and will present in their report some recommendations in relation to the several plans therefor.

OUR COMMERCIAL AND SHIPPING INTERESTS.

I believe it is worth while for you to consider the relation of the manufactures of Massachusetts to foreign commerce; to provide for representation at international industrial exhibitions; and, in connection therewith, to inquire by what means our shipping interests can be promoted. These are matters, indeed, of national concern; but there is no reason why, in our own way, we should not improve every possible method of stimulating the distribution of those products of our own labor with which our prosperity is so closely identified, and of securing a full share in the profits of commercial transportation, foreign and domestic.

RAILROADS.

A chromatic provision is in our railroad law. Every man is entitled to the possession of his property, except as it is needed for public use. But the general railroad law permits any set of men to take the property of our citizens for the construction of a railroad, without any adjudication that it is needed. The very persons who propose to take it are permitted to be the sole judges of the necessity for so doing. If the municipal authorities refuse

to grant a route through any city or town, the railroad commissioners are compelled to grant it, even if they believe their action will thereby cause unmitigated injury to that community.

If this law is constitutional, it ought not to be; for it is opposed to the spirit of the constitution, and exposes private property to condemnation to private schemes and use. It opens the door to gross abuse.

I therefore urge that it be so amended that some tribunal shall decide that a public necessity for a railroad exists, before land can be taken for its construction. I think of no better tribunal for that purpose than the Board of Railroad Commissioners. Certainly the public interest could hardly suffer from the refusal of such a tribunal to grant new routes, for there could always be an appeal from it to the legislature.

THE MILITIA.

The organization of the militia remains the same. The authorized force is 334 commissioned officers, and 4,436 enlisted men. The total number last reported in actual service is 312 officers, and 3,854 men. The expenses in 1880 were some \$135,000, against \$131,807 in 1879: the small increase being due to the greater number of enlisted men in 1880, and to their better attendance at inspection and camp. About \$7,000 of the expenses of last year are chargeable, too, not to the militia, but to the bureau of records and war claims.

Of the special appropriation of \$112,000 for new uniforms, about \$108,000 has been spent. From the sale of old uniforms, it is estimated, that, after deducting certain authorized expenditures payable therefrom, there will still remain some \$7,000 to be turned into the treasury.

The contract for the new uniforms was promptly and well executed. They were accepted only after thorough inspection. They are serviceable, and add to the good appearance and efficiency of the troops.

The militia again deserves commendation. In drill and discipline, in the character and conduct generally of its members, officers and men, and while under inspection and in camp, it has entitled itself to renewed respect and confidence, and can be counted on for good service. It has again commanded in terms of yet greater praise the commendation of Brevet Major-Gen. Arnold, U.S.A., who inspected each brigade at its annual muster last fall.

The Adjutant-General reports that some of the records

of our soldiers in the late war are so worn out by constant use that copies of them ought to be made.

I call your attention also to the instructive report of the Surgeon-General.

STATE AID.

The Commissioners of State Aid report to me, that, in their opinion, no changes are advisable in either of the military-aid laws which are now in full operation, and which do justice at once to our needy soldiers and their families, and to the State. Municipal authorities, after much unavoidable confusion in at first proceeding under the new laws, are now disbursing the aid authorized by them systematically and economically; and the opinion is general that both of them are well adapted to the end in view, and that fresh alterations would tend only to produce fresh embarrassments.

Under the Acts of 1877 and 1878 the amount reimbursed to cities and towns in 1879 was	\$525,688 22
The amount reimbursed in 1880, on account of payments made under existing laws, was	397,819 82
A saving to the Commonwealth of	\$127,868 40

INSURANCE.

The business of legitimate underwriting, always an important factor in the commercial and industrial interests of the country, exhibits indications of returning prosperity, particularly under its stronger and more conservative management. The magnitude of its volume, and the growing importance of its financial relations, claim and should receive intelligent and impartial consideration.

The companies of all classes now authorized in Massachusetts have written during the past year more than \$8,000,000,000 in risks on property and lives, their admitted assets amounting to \$560,000,000, including nearly \$75,000,000 of paid-up cash capital. Of this immense business, Massachusetts companies alone wrote nearly one-eighth of the aggregate amount, with \$55,000,000 of cash assets, and \$9,000,000 of invested capital. An interest so large and so intimately identified with public and private welfare will hardly fail to suggest the necessity, of equitable and fostering legislation, both for the protection of the insured and the insurer. But with the voluminous enactments already upon our statute-books affecting insurance issues, it is anticipated that additional legislation will

not be found necessary, unless perhaps for the amendment of the details of such existing provisions as appear to be defective, inequitable, or ambiguous in some particular. For instance, it is claimed that the statute of last year which requires the use of the standard policy prescribed in the Act of 1873 needs some amendment to reconcile it in all points with that act and with other existing statutes. In this whole matter the report of the commissioners on the codification of the statutes will perhaps materially facilitate any needed legislation.

The number of companies transacting business within the Commonwealth is substantially unchanged, the few retiring from the field having been followed by the coming-in of others. In addition to those heretofore reporting to the insurance department, upward of one hundred more are likely to be included under the legislation of 1880, relating to charitable and beneficiary associations doing a life-insurance business. The triennial examination of insurance companies, organized under the laws of the State, is nearly completed, as required by the statute of 1871; and another triennial examination will be very soon commenced, thus as far as possible securing official knowledge of their financial condition.

LABOR AND THE DISTRICT POLICE.

The statutes concerning labor and the schooling and employment of children have been enforced throughout the State. The inspectors have aimed to secure uniform compliance with the laws, and have generally met with co-operation on all hands. Such a result is calculated to promote the welfare alike of capital and labor in connection with the great and growing industries in which both are interested.

In this connection, I again call attention to the advisability of exempting from attachment wages due for labor.

The Act of 1877, relative to the inspection of factories, is said to need an amendment to provide for its enforcement.

The district police rendered good and discreet service in Sandwich, in allaying the troubles which at one time threatened to result from the swindle perpetrated upon several hundred poor Italian laborers, who had been imported into the Commonwealth by the foreign contractors of the Cape Cod Ship Canal Company, cheated out of their earnings, and left destitute. In accordance with the

statute they were provided with food, and returned to the State from which they came, by an officer of the Board of Health, Lunacy and Charity.

ELECTION RETURNS.

I call your attention to the great number of errors in the returns of votes at the last State election, as made by town and city officers, and the need of means for correcting them, so that the manifest will of the people may not be denied by the gross carelessness of their servants. The executive council, in canvassing the returns, should have power to summon in the returning officers and their records, in order to correct the errors that so frequently occur, most of which are the result of blundering transcription. No pains should be spared to secure every voter the counting of his vote for the candidate for whom it was clearly intended, notwithstanding there may have been, in ballot, record, or return, the misspelling of a name or of a residence, or some other patent slip of the pen, capable, on inspection, of easy rectification. A statute of the State of Maine in this behalf is worthy of your notice.

Nor can I forbear to refer to the circumstances attending the recent municipal election in the city of Boston, which, if correctly reported, make it peremptory that you provide new safeguards for casting, keeping, and counting the ballots.

LIQUOR LEGISLATION.

I renew my recommendation of a year ago, that the question, whether or not licenses shall be granted in any municipality for the sale of intoxicating liquors, be hereafter determined by popular vote, and not left, as at present, to a municipal board. Otherwise, the popular will is not sure of expression. In many towns, also, municipal officers are chosen on the sole issue of their position on this one question, without reference to the great variety of other and important interests to which the valuable services of experienced and competent servants are thereby often lost. I hope you will make this change on its own merits, unembarrassed by connection with any other question.

I recommend that the screen law passed at the last session be made compulsory.

As the owner of real estate has been relieved from the obligation to pay damages occasioned by the sale of intoxicating liquors by licensed dealers, it would seem wise to

require the latter to give bonds for the payment thereof. Those now required by law are inadequate.

I again suggest the propriety, in the laying of indictments on file, of giving our judges a supervision of their disposition.

Holding the same views as last year, I cannot forbear to call your attention generally to the terrible evil of intemperance, and its devastation of crime, insanity, and pauperism. The public mind is afresh awakened to its gravity, and ready to sustain any healthy movement for its suppression. There is a growing demand, shared by men of all shades of theoretical opinion, that whatever be the law in this matter it should be honestly enforced, and that, just as far and as fast as possible, the dram-shop should be rooted out, in the interest alike of good morals and of the material welfare of capital and labor. The Bureau of Statistics has during the year added to its admirable work by conducting an original inquiry into the causes of crime. It has made a personal investigation of every case in the nine criminal courts of Suffolk County, which were selected as a sample; and the result constitutes the strongest indictment against the use of intoxicating liquors that has been drawn. Of the 16,897 cases, more than seventy-two per cent. were for the various grades of drunkenness; and, in addition to these, more than twelve per cent. were offences committed by persons under the influence of liquor, leaving only some fifteen per cent. of crime to represent what would be about the total amount, but for the use of intoxicating liquors. These statistics are important as presenting this subject in the economical light of its relation to the industrial interests of the Commonwealth and of an appeal to those who depend upon them, whether as employed or employers. They will be laid before you in due course, and, I trust, will receive your attention. They cannot fail to impress, not only the moralist, but, in view of the enormous waste they suggest, the economist, the manufacturer, and the workingman also. The more sobriety, the greater the dividend of capital and the wage of labor. Can it be that good morals, wise economy, the spirit of mutual help, the love of accumulation, and the light of domestic happiness, will not see their common interest in a more united effort to suppress this common evil?

Speaking of the enforcement of the law, it is too true that in many places the officials specially charged with its enforcement are more a shield than a sword to its viola-

tion. Though not in sympathy with the principle of giving the sanction of the State to the sale of intoxicating liquors, I am sure it is to be regretted, that, if a license law exists, it cannot have the vigorous and faithful test of enforcement. To this its advocates are certainly bound. That it can be enforced is manifest in view of the enforcement of other special laws, such as the revenue statutes of the United States, or our own statutes concerning the hours of labor or the schooling of factory-children. But for these there exists a special force, while none exists for the enforcement of the license law. Of the sixteen members of the State district police, five are assigned to special work, and the other eleven are the officers of the various district attorneys, and are constantly employed by them in general criminal business. Give the chief of this force, however, fifty men for the purpose of enforcing the license law, and he is of opinion that he can enforce it, stop all violations of its provisions, and thus not only protect in part the community, but protect in full those dealers in liquor who honestly comply with the statute. I do not recommend the special creation of such a force. The career of the old State constabulary is proof that it would not command public confidence or escape the charge of corruption. But I do suggest to you whether you cannot at once secure all the virtue of the services of such a force, and avoid the danger of its corruption, by authorizing the chief of the State district police to draft from the police-officers of cities and the constables of towns any number of men, not exceeding a certain limit at any one period, for occasional duty in enforcing this law, taking care to vary his selection from time to time. It would be impossible to corrupt such a force, unless the injustice were done every police-officer and constable in the Commonwealth of presuming that they could all be bribed at once. It would put the responsibility of the enforcement of the law on one executive officer; it would be sustained by the community at large and by the law-abiding liquor-dealers, and opposed only by the defiant violators of the statute.

TAXATION.

I took occasion, a year ago, to refer to the subject of just and equal taxation. With the same views I again commend the subject to your consideration, believing that you may take one step toward escape from double taxation, and should at present take but one, and that best,

both as a test and as a matter of actual relief, in the matter of mortgages.

CONSTITUTIONAL AMENDMENTS.

I trust you will agree to a resolve for a constitutional amendment which was agreed to last year, and which provides that "no person having served in the army or navy of the United States in time of war, and having been honorably discharged from such service, if otherwise qualified to vote, shall be disqualified therefor on account of being a pauper; or, if a pauper, because of the non-payment of a poll-tax."

I desire to again record myself as seriously questioning the wisdom of another constitutional amendment, which provides for biennial elections of State officers, senators, and representatives, and a resolve for which was also agreed to last year, and now awaits your action.

EXECUTIVE OFFICERS.

I am of the same opinion as last year as to the advantage and economy of an executive council composed of the elective heads of departments, rather than as now constituted. Speaking of these officials, I recommend that you give them seats in the legislature, with the right to speak upon questions affecting their departments, but, of course, without the right to vote. This could not but aid legislation. In this connection it is worth your while to consider, taking advantage of the first-rate condition of the civil service in this Commonwealth, whether you should not give the sanction and safeguard of law to the present custom of permanence in appointive office during good behavior.

WOMAN SUFFRAGE.

I believe that the State is made more secure in proportion as every member of it of mature age and sound mind has a voice in its administration, and that no one class anywhere can be safely intrusted with the irresponsible keeping of the rights of any other. The restrictions on suffrage, and upon the right of each citizen to cast one vote and have it counted, should, therefore, be as light, and the safeguards of that right as strong, as possible. It is for this reason, as well as because suffrage is a right and not a grace, that, in my judgment, women, paying taxes as they do, and with their personal interests and property

subject to legislation, should secure by an amendment to the constitution the right to vote, and thereby have a voice in the imposition of taxes upon their property, and in the making of laws that affect their lives, liberty, and happiness.

THE JUDICIARY.

The docket of the Supreme Judicial Court is still overcrowded, and, for the expedition of the public business, needs relief. It is a matter for your consideration. I have no suggestion to make, unless it be the creation of the office of Vice-Chancellor, or my suggestion of last year of transferring to the Superior Court all causes of marriage, divorce, and alimony, as well as petitions for the support of the wife under the Act of 1874.

DIVORCES.

Complaint is made of a startling increase in the number of divorces. Possibly it would be some check to this if the party, against whom a divorce is granted, suffered a penalty. It would tend to prevent collusive divorces, as well as those which the persons against whom they are asked are too indifferent, or too glad at the prospect of marital escape, to defend. Another suggestion has been made that, in libels for divorce, it would be well to compel both parties to testify. This, however, would require some attorney to represent the Commonwealth, at least in the preparation of interrogatories to be used in taking the deposition of an absentee.

CAPITAL PUNISHMENT.

I feel it my duty to call your attention to the matter of capital punishment. It is an outrage on human sensibilities; it is out of accord with the spirit of the age; it has undoubtedly, in many cases, induced juries to acquit men who, although really guilty of murder in the first degree, have thus gone unpunished; and nothing can justify it but the conviction which is in the public mind, and which, I admit, affects my own mind very differently the moment I look at the matter under a sense of official responsibility, that the dread of this extreme penalty is a safeguard to life. If, however, a change in the law were found to be attended with an increase of capital crime, the present penalty could be restored at any subsequent session of the legislature. It has occurred to me, and I suggest to you,

that some of the objections on either side might be met by providing that whenever a person is found guilty of murder in the first degree, and the jury, in rendering the verdict, recommend him to mercy, the penalty shall be imprisonment for life, and, if you had the power, I should add, without hope of pardon except as the court might find ground to grant a new trial. Under such a law, the fear of capital punishment would still stare the murderer in the face; juries would not be deterred from finding guilt in cases in which they would hesitate to find it if its punishment were sure to be death; the one tribunal, which, above all others, reflects the sentiment of the community, would have the determination of the matter in its hands; and finally, I am frank to say, I think it would tend to put hanging out of fashion, even while it preserved the terror of the death-penalty.

For, if capital punishment is to be inflicted, some less revolting, less demoralizing, and more scientific method of inflicting it than that of hanging ought to be adopted.

UNITED STATES SENATOR.

Another duty that falls on your session is the choice of a United States Senator.

THE CONSOLIDATED STATUTES.

A resolve was passed in April last for the consolidation and arrangement of the statutes of the Commonwealth by three commissioners to be appointed by the governor. A similar work, begun in 1855, was completed some twenty years ago. The present commissioners will probably make their report on or before the 1st of April next; and I trust that it will be accepted or rejected in accordance with the above-mentioned resolve. In it, however, should be incorporated such general statutes as you shall pass. I recommend, therefore, that, bringing the business of your session in all other respects to a close as soon as possible, you take a recess long enough — and a very short time ought to be enough — to enable the commissioners thus to incorporate them. On re-assembling, — at which time it seems desirable the commissioners should sit with you for easy access, — the report could be accepted or rejected as above without delay. There certainly should then be nothing like an extra session, or one of more than a few days. It would, of course, be remarkable if no errors should occur in such an extensive work; but the number

will be less than if, in the haste of a few weeks, the whole legislature should enter on the entangling task of revising the revision. It is one of those things where a good deal must be trusted to those charged with the responsibility. Fortunately, those persons in this case are men who have labored with great ability and carefulness, and in whom I believe entire confidence is had on all hands.

It will be necessary for you to determine when the consolidated statutes shall take effect. If you fix the first day of next January as the day, any error meantime discovered can be rectified by your successors, who will be in session very near that day. You will also provide for an index, which can be made after you adjourn. That the recess to which I have referred may be as brief as possible, it is desirable that all general acts passed by you before it begins be framed with reference to their incorporation at once by the commissioners in their report.

An engrossment of the new statutes on parchment seems to me to be unnecessary. If, however, you think otherwise, I presume you can arrange to have this also done after your final adjournment.

YORKTOWN.

During the year will be celebrated, at Yorktown, the centennial anniversary of the triumph of the fight for American independence. Massachusetts bore such a distinguished part in this event, as well as throughout the war, Gen. Lincoln receiving the sword of Lord Cornwallis, that I trust you will make proper provision for her participation in the proposed commemorative exercises. I shall be happy to transmit the report of Col. Lincoln, of the staff of my predecessor, who was deputed by him to confer with the authorities having this matter in charge, and who, at my request, has attended their recent meetings.

THE COWPENS CENTENNIAL.

By a resolve of last year the Governor was authorized to subscribe two hundred and fifty dollars in behalf of the Commonwealth toward the cost of a memorial column to be erected on the Cowpens battlefield, in South Carolina, by the joint contribution of the thirteen original States. That sum has been sent to the chairman of the Cowpens Centennial Committee, and its receipt cordially acknowledged by him.

ADDITIONAL ACCOMMODATION FOR STATE OFFICES.

By a resolve of last year the executive department was authorized to purchase land near the State House. Notice was given and offers invited; but, no opportunity for such a purchase that would fulfil the conditions of the resolve having occurred, no occasion has arisen for exercising the discretion which it conferred.

THE RHODE ISLAND BOUNDARY.

The executive transmitted to your immediate predecessors a communication from the Governor of Rhode Island, together with certain resolves of that State, relating to the northern boundary between it and this Commonwealth. Although by the journals of the Senate and House of Representatives of last year, it appears that the matter was referred to a joint committee of these two branches, no further legislative action seems to have been taken; and your attention is respectfully called to that fact.

FINANCIAL.

As I said a year ago, your session well may, and ought to be, brief. You will certainly do nothing to lower the standard of economy or efficiency. Wherever the treasury can be guarded, wherever the great interests of the people of the Commonwealth can be promoted, there is your duty and mine. The public debt, but for the interest on which no general State tax would be necessary, must not be increased by a single dollar. With emphasis, too, let me now add, your influence should go to check all municipal indebtedness, to encourage its swift reduction, and to sustain the law for its limitation. Our total tax, which is mainly municipal, is more than three times what it was in 1861, though neither our total population nor valuation has quite doubled. In this connection, I sympathize with the demand for a statute providing that school committees and all other official boards shall confine their expenditures within the limits of the appropriations made by the money-raising authorities. To lodge, or to seem to admit, an indirect power of taxation in one or more bodies, in addition to the body of the people of a town, or the city council of a city, is not in accordance with our constitution, and is an accumulation of the means of burdening the tax-payer, not to be countenanced. In the long run, too, it is better policy, even in the interest of beneficent public expendi-

tures, to trust the popular generosity than to attempt to compel it arbitrarily.

If there is less opportunity than formerly for specific retrenchment, let us specially avoid the risk, that always attends a reviving prosperity, of committing the Commonwealth to extravagant outlays, or participation in undertakings foreign to the limited purposes of a state. Even while the commonplaces are on our lips in which we speak of that era of inflation and wild speculation which is so fresh in our memories, it takes no very keen discernment to see that a similar madness is already in the air.

Senators and Representatives :

Congratulating you upon the honor conferred upon you by your fellow-citizens, and wishing you a useful and interesting session, I detain you only to say that I shall be glad to co-operate with you in the discharge of our common duty as servants of the Commonwealth.

SPECIAL MESSAGES.

THE FOLLOWING SPECIAL COMMUNICATIONS WERE MADE BY HIS
EXCELLENCY THE GOVERNOR TO THE LEGISLATURE
DURING THE ANNUAL SESSION.

[To the Senate and House of Representatives, Jan. 11.]

I have the honor herewith to present, in compliance with Chap. 50 of the Resolves of 1860, a report of the pardons issued by the Governor and Council during the year of my administration just passed. The number of convicts thus discharged is thirty-eight, of whom twelve were in the State Prison, twenty-two in houses of correction, two in the Reformatory Prison for Women, and two in jails. Fatal or extremely dangerous sickness was the controlling reason for pardon in eighteen cases, and information has been received of the death of ten of the eighteen persons so pardoned.

With a single exception, every pardon granted contained the condition, that, if the person to whom it was issued should, before the expiration of his sentence, be convicted of any crime punishable by imprisonment, he should be held to serve out the remainder thereof. In the excepted case the condition was waived, because the sentence was itself erroneous.

NO. 1. BERNARD CAIN. Convicted of arson, in the Superior Court, Worcester County, and sentenced Nov. 1, 1869, to the State Prison for life. Pardon was asked for on the ground of fatal sickness; and, on the 24th of January, 1880, upon the certificate of the prison physician, and a personal examination by a member of the Council, it was granted. He died Aug. 1, 1880.

NO. 2. JOHN HOLMES. Convicted in the South Berkshire District Court, Dec. 5, 1879, of violating the license law. Fined \$50 and costs; and, in default of payment thereof, committed to the House of Correction for three months. Pardoned Jan. 27, 1880. Holmes was very old

and in feeble health; his crime was selling cider; it was his first offence; he was too poor to pay the fine which was the smallest possible; his pardon was asked for by the selectmen of the town (Egremont) in which the offence was committed, and recommended by the judge who sentenced him.

No. 3. JEREMIAH TWOMEY. Convicted in the Superior Court, Essex County, Oct. 31, 1879, of assault, and sentenced to the House of Correction for two years. Pardon granted Jan. 28, 1880, after a personal examination, on the certificate of the physician of the House of Correction that the convict was in consumption; that his recovery was impossible; and that he would soon be too feeble to be removed. He died March 20, at his home in Newburyport.

No. 4. CORNELIUS SULLIVAN. Convicted in the Superior Court, Bristol County, Oct. 29, 1878, and sentenced to the House of Correction for two years. Pardoned Jan. 30, 1880, on account of imminent fatal sickness, at the request of the district attorney, and on the certificate of the physician of the House of Correction. He died soon after.

No. 5. JAMES CASSIDY. Convicted in the Boston Municipal Court, Jan. 19, 1880, and sentenced to the House of Correction for six months. Soon after his commitment, Cassidy was found to be suffering from Bright's disease. Symptoms followed presaging death; and, upon a certificate to that effect from the physician, and a personal visit to the convict by several members of the Council, a pardon was granted Feb. 6, 1880.

No. 6. THOMAS O'REILLY. Convicted in the Lawrence Police Court, Jan. 26, 1880, of drunkenness, and sentenced to the House of Correction for three months. A pardon was granted Feb. 27, 1880, because recommended by the clerk of the court by which he was tried, by the judge who imposed the sentence, by the city marshal who arrested the prisoner, and by the county commissioners, who, at first supposing they had jurisdiction over so light an offence, investigated it, and certified, that, but for some doubt as to their jurisdiction, they would have released him.

No. 7. MARGARET ROTHERS. Convicted in the Superior Court, Suffolk County, Oct. 13, 1874, of felonious assault with intent to rob, and sentenced to the House of Correction for seven years. (Subsequently transferred to the Reformatory Prison for Women.) Pardoned March 10, 1880. With the allowance for good behavior, only nine months of her sentence remained. The prison com-

missioners, under Chap. 229 of the Acts of 1879, in view of the excellent conduct and record of this convict, had bound her out to service in the family of a Mrs. Baldwin of Cambridge. This contract was terminated by the death of Mrs. Baldwin. Rather than remand the convict to the prison, and with a view to carry out the intent of the commissioners, she was, by their advice and at their request, pardoned, on condition that she return at once to her home in the British provinces.

NO. 8. DALAND M. PERRY. Convicted in the Superior Court, Middlesex County, Nov. 1, 1878, of larceny, and sentenced to the House of Correction for two years. Pardoned March 16, 1880, on the certificate of the physician of the House of Correction that continued confinement would endanger his recovery. The pardon was recommended also by the district attorney, and by the selectmen of Natick, where the offence was committed. Perry was only seventeen years old at the time of the crime.

NO. 9. DAVID PHILLIPS. Convicted in the Superior Court, Hampden County, Dec. 10, 1879, of larceny, and sentenced to the House of Correction for eighteen months. Pardoned April 6, 1880, on account of sickness which threatened to be fatal, upon the recommendation of the prison physician, Dr. Gaylord, as well as of Dr. Gilfillan of Northampton, and also of the district attorney and of the sheriff of the county.

NO. 10. CHARLES H. SWEETSER. Convicted in the Superior Court, Middlesex County, and sentenced to the State Prison, Feb. 26, 1877, for an attempt to break and enter, for three years, and for having burglars' tools in his possession, two years more. Pardoned April 21, 1880. The district attorney reported that the two offences were "really but one offence, and that an attempt only," and also said he was "of the opinion that the first sentence of three years was sufficient." There was no trial; Sweetser pleaded guilty to both indictments; and the Council were convinced, that, had the Court been asked to sentence him on the first and lay the other on file, that would, in view of his previous good character, and of its being his first offence, have been done. Sweetser, therefore, having fully served his first sentence of three years and some two months over, a pardon was granted.

NO. 11. CORNELIUS CROWLEY. Sentenced in the Superior Court, Hampden County, Dec. 4, 1876, to the State Prison for ten years, for rape. Pardoned April 22, 1880.

New evidence was put before the committee on Pardons not produced at the trial, in the form of affidavits from thoroughly trustworthy citizens of Westfield, which showed that right after the alleged time of the commission of the crime of rape, the parties were seen walking together arm-in-arm, under such circumstances as precluded the probability of the previous violence alleged. Three of the jury certified that upon the new testimony they would not have agreed to a verdict of guilty. The district attorney certified that the affidavits "are from respectable citizens, some of whom I know personally; and I can have no doubt as to the truth of their statements in this particular." Both parties seem to have been of a character not above reproach; but, whatever the crime of which they were guilty, there is such grave doubt of the prisoner's guilt of the crime of rape that a sentence of ten years is excessive, and could not have been imposed had the facts appeared. The term of more than four years which the prisoner had already served was as much as he deserved. Other facts bearing on the case are that at the trial the defendant had no testimony except his own; that at the original hearing before the trial justice the complainant denied emphatically that the crime of rape was actually committed, but claimed that only an attempt thereto had been made; whereas at the trial in the Superior Court she testified that rape was actually committed. She also testified there that she was not acquainted in Westfield, whereas it appeared to the Committee on Pardons that she had previously lived in Westfield, and was well known there. The counsel who appeared for the defendant in the Superior Court testified that he was not called into the case until the moment it was called for trial.

NO. 12. SARAH J. BARKER. Sentenced in the Superior Court, Suffolk County, Jan. 19, 1880, to one year in the House of Correction, for adultery. Pardoned April 23, 1880, solely because of sickness which threatened to be fatal. The prisoner, in the last stages of consumption, was pardoned for the purpose of being removed to the St. Elizabeth Hospital, where proper provision had been made for her.

NO. 13. WILLIAM WATERS. Convicted Nov. 14, 1879, in the Superior Court, Middlesex County, and sentenced to the House of Correction for nine months, for larceny. Pardoned April 23, 1880. The offence did not appear to be a grave one, and, more than half the term of imprisonment having expired, Waters was pardoned be-

cause of the birth of a child since his sentence: the death of the person who was the sole support of his wife and three children, of which the oldest was but three years of age; their extreme destitution, being dependent on charity; and the fact that employment had been promised for him upon his release.

NO. 14. WILLIAM COOK. Sentenced June 12, 1876, to the State Prison for life, for murder in the second degree. Pardoned April 30, 1880, being in the very last stages of consumption, and his family taking him home, where he died a few days after his discharge.

NO. 15. AMOS SMITH. Sentenced in August, 1878, in the Superior Court, Suffolk County, to the House of Correction for two years, for larceny. Pardoned May 5, 1880, on a certificate of the physician, solely because of imminent death by reason of cancer in the stomach. He died June 24, 1880.

NO. 16. BRIDGET CULLEN. Sentenced Nov. 1, 1879, in the Police Court of Lawrence, to the House of Correction for two years, for assault and battery. Pardoned May 5, 1880, on the statement of the justice who imposed the sentence that it was erroneous, and should have been limited to six months. This was confirmed by the opinion of the Attorney-General; and, six months having expired, a pardon was issued.

NO. 17. JOHN HALEY. Sentenced Nov. 5, 1879, in the Superior Court for the County of Middlesex, for fifteen months in the House of Correction, for assault. Pardoned May 25, 1880, the committee being satisfied that the sentence was excessive, the district attorney having reported that he believed Haley "guilty only of simple assault, and under circumstances of a somewhat extenuating nature;" and, further, that he was "surprised at the length of the term of imprisonment, and should have been satisfied with six months," more than which had expired.

NO. 18. JAMES GRIFFIN. Sentenced in October, 1879, in the Superior Court, Essex County, for eighteen months in the House of Correction, for larceny. Being mortally sick, he was pardoned June 10, 1880, and died on the fourth day after.

NO. 19. ANGELO MAININI. Sentenced Jan. 9, 1880, in the Police Court of Gloucester, to four months in the House of Correction, and to pay a fine of \$125 and costs, for violation of the liquor law. The term of imprisonment having expired some six weeks before, since which time the convict had been detained for the fine, the fine

was remitted June 15, 1880. The remission was recommended by the judge who imposed the sentence, and by other citizens of Gloucester, on the ground of the sufficient punishment already inflicted, and of Mainini's inability, from extreme poverty, to pay the fine. The city marshal appeared, and waived objection.

NO. 20. DANIEL MAHONEY. Sentenced June 25, 1879, in the Superior Court, Middlesex County, for one year in the House of Correction, and to pay a fine of \$100 and costs, for violation of the liquor law. The year, with the allowance under the statute, expired June 13, 1880. Fine remitted June 15, 1880, the convict having served his sentence, and the judge who originally imposed the sentence, and other citizens of Malden, recommending the remission on the ground of the ample punishment secured by the imprisonment, the limited means of Mahoney, and the sickness and distress of his wife and children. The chief of police who caused the arrest appeared, and waived objection.

NO. 21. THOMAS SULLIVAN. Sentenced in October, 1872, in the Superior Court, Suffolk County, to the State Prison for ten years, for robbery. Pardoned June 26, 1880, on a certificate of the prison physician that he was in the last stages of consumption, and could survive but a short time. Friends of the prisoner were at hand to provide for him in his last hours. He died soon after.

NO. 22. MICHAEL RYAN. Sentenced in September, 1874, in the Superior Court, Suffolk County, to the State Prison for seven years, for assault with intent to kill. Pardoned June 26, 1880, on a certificate of the prison physician that he was mortally sick. His friends were at hand to take care of him. He died a few weeks later.

NO. 23. CHARLES ALLEN, *alias* John T. Ennis. Sentenced in April, 1880, in the Superior Court, Suffolk County, to the House of Correction for two years, for breaking and entering. Pardoned June 30, 1880, on a personal inspection by a committee of the Council, and on a certificate of the physician that Allen was mortally sick with quick consumption, and could live but a few days. He died July 1.

NO. 24. THOMAS METCALF. Sentenced Feb. 7, 1878, in the Superior Court, Essex County, to four years in the State Prison, for larceny. Pardoned July 1, 1880, solely on a certificate of the prison physician that Metcalf, "crippled and helpless from general paralysis, has now lost his sight to a great degree." His friends came forward, and offered to take him out of the State.

No. 25. WILLIAM DOLAN. Sentenced Oct. 29, 1878, in the Superior Court, Worcester County, to two years in the House of Correction, for larceny. Pardoned July 20, 1880, on the recommendation of the district attorney, in consideration of the prisoner having become State's evidence.

No. 26. JAMES MYERS. Sentenced Oct. 16, 1879, in the Superior Court, Essex County, to one year in the House of Correction, for assault. Pardoned July 20, 1880, on the certificate of the physician that the prisoner was fatally sick with consumption, and could live but a short time.

No. 27. HORATIO AMES. Sentenced in January, 1879, in the Superior Court, Suffolk County, for five years in the State Prison, for larceny. Pardoned July 24, 1880, upon the certificate of the prison physician that he was far advanced in consumption, and failing rapidly. He was taken home by his mother, and died the next day.

No. 28. CHARLES JONES. Sentenced in March, 1879, in the Superior Court, Suffolk County, for three years in the House of Correction, for larceny. Pardoned Aug. 20, 1880, upon the certificate of the physician and after personal inspection by members of the Council, the convict being in the last stages of consumption. He has since died.

No. 29. JOSEPH H. STONE. Sentenced July 1, 1880, for sixty days in the House of Correction, by George M. Woodward, Esq., Master in Chancery at Worcester. Pardoned Aug. 25, 1880. Stone, a citizen of Northborough, of excellent character, and a man of small means, was induced by a travelling agent to purchase rights in a patent washing-machine, for which he gave his note. He claimed that he afterward found that the machine was worthless, and that he had been swindled. The note was purchased by the Natick National Bank, which sued Stone, and recovered judgment, he not defending. He was arrested, made application to take the oath for the relief of poor debtors, pending which it appeared, from his own frank statement, that, under advice, he had conveyed property with a design to secure the same to his own use. He had been led to believe that this was the way properly to defend himself against what he regarded as an unjust claim. For this offence he was sentenced as above. The term of imprisonment having almost entirely expired, the bank, at whose instance he was arrested, appeared by attorney, and consented to his pardon; it was requested also by the citizens generally of Northborough; the element of deliberate

criminality did not seem to enter into the case; and it was evident that Stone's predicament was the result of mistake and bad counsel.

NO. 30. JAMES KEHOE. Sentenced Dec. 30, 1879, in the Police Court, Lawrence, for eighteen months in the House of Correction, for stealing a ride. Pardoned Sept. 8, 1880, on the recommendation of the judge, the district attorney, and the city marshal; the Court itself, on reconsideration, reporting that too long a sentence had been imposed for a light offence.

NO. 31. GEORGE W. FLOWERS. Sentenced Feb. 27, 1879, in the Superior Court, Suffolk County, for three years in the State Prison, for perjury. Pardoned Sept. 30, 1880. Flowers was one of the tools in the famous Frank Paige case. Paige, the chief criminal, who was afterward convicted, got two years in the House of Correction; and the Committee on Pardons were agreed that Flowers, who is rather a weak creature, and who had served nearly two years, certainly should not suffer so much as the principal. But more than this, Flowers turned State's evidence in several cases, and so entitled himself to consideration. The district attorney, on this point, reports that it was said by the government at the trial, "that if, after sentence, he showed a disposition to help in the cases growing out of that affair, and was of service, he should, so far as we had power, have full benefit therefor in any application for pardon." Nearly all the Paige creditors joined in the application for his pardon. He is a resident of Maine, and parties stood ready to take him there at once.

NO. 32. CHARLES SHEA. Sentenced Nov. 1, 1878, in the Superior Court, Middlesex County, for thirteen years in the State Prison, for rape. Pardoned Oct. 13, 1880, on a certificate of the prison physician, and a personal examination of one of the council. Shea was in the last stages of consumption, and was pardoned so that he might pass his last hours at home. The physician reported that he was "liable to die any day."

NO. 33. MICHAEL KURTZ. Sentenced in March, 1877, in the Superior Court, Suffolk County, for twelve years in the State Prison, for breaking and entering. Pardoned Oct. 13, 1880, on certificate of the prison physician, and a personal examination by the Council. Kurtz was in a most deplorable state, his bowels perforated by sores, and there seemed to be no probability of his recovery.

NO. 34. LAWRENCE PENDERGAST. Sentenced Oct. 14, 1878, in the Superior Court, Essex County, for three years,

for breaking and entering. Pardoned Oct. 19, 1880, after two years' confinement; the Committee on Pardons being satisfied, that, in view of the lightness of the offence and the want of counsel, Pendergast evidently received a very excessive sentence. The master of the House of Correction reported strongly in his favor.

No. 35. SOPHIA KING. Sentenced in August, 1880, in the Superior Court, Worcester County, for one year in the House of Correction, for receiving stolen goods. Pardoned Nov. 5, 1880. The stolen goods were of small value, taken from a clothes-line. The convict was an ignorant French woman, not familiar with the English language, and without counsel at the trial. There was grave doubt of her guilt. The secretary of the Board of Prison Commissioners says, "There is little doubt that her son secreted the goods in his mother's house without her knowledge." The said board, its secretary, the superintendent of the Women's Prison, and the district attorney, all joined in recommending the pardon.

No. 36. EDWARD J. SHEA. Sentenced July 23, 1880, to the House of Correction from the Municipal Court, Boston, for one year, for larceny. Pardoned Nov. 5, 1880. At the trial he was represented to be over seventeen years old, and was therefore tried as an adult, and not as a juvenile; whereas he was only fifteen. The judge certified to us that on these facts he had been misled, and that the boy "was illegally sentenced, and ought to be released."

No. 37. WILLIAM BLACK. Sentenced Oct. 14, 1878, to the House of Correction from the Superior Court, Essex County, for three years, for indecent assault. Pardoned Dec. 7, 1880. The assault was made by him while intoxicated; and the district attorney reported, that, though it was an improper assault, it was not clear to what extent it went, and the physician who made an examination of the female expressed some doubt whether any such assault at all had been made. Since the conviction the prisoner's wife had gone insane, and is now in the Danvers Asylum, leaving five young children, who are liable to become a public charge. The convict had been a very respectable and worthy man. The chaplain of the House of Correction, and Mr. Wrightington, the agent of the State Board of Health, Lunacy and Charity, appeared, and urged the pardon; the district attorney's report was favorable to it; and the term of sentence, which was reduced by good behavior, being not far off, it was granted.

No. 38. WILLIAM R. PIPER. Sentenced in December,

1876, to the State Prison for six years, for forgery. Pardoned Dec. 20, 1880. He was a very young man, employed by a Boston firm on whom the forgery was committed and who assented to his pardon, which was granted in consideration of his youth and the long term of four years which he had already served. His conduct in prison had been of the very best; and, on very careful investigation, the committee were satisfied that on the one hand there had been no lack of severe punishment, and that on the other there was a chance of genuine reformation which should be availed of.

[To the House of Representatives, Jan. 11.]

I have the honor herewith to transmit for the information of the General Court a report made to the Executive by Col. Solomon Lincoln, jun., commissioner for Massachusetts on the Yorktown centennial celebration; a letter from the Hon. George B. Loring, M.C., relating to the same subject and to the matter of portraits of ex-speakers of the Massachusetts House of Representatives; and a memorial of the American Association for the Advancement of Science, in relation to the need of attending to our future forest supplies.

I transmit, also, the annual reports for 1880 of the Chief of the Massachusetts District Police; the Trustees of the State Lunatic Hospital at Worcester and of the Temporary Asylum for the Chronic Insane; the Trustees of the State Lunatic Hospital at Taunton; the Trustees of the State Lunatic Hospital at Northampton; the Trustees of the State Lunatic Hospital at Danvers; the Trustees of the State Almshouse at Tewksbury; and the Trustees of the State Workhouse at Bridgewater.

[To the House of Representatives, Jan. 14.]

I have the honor herewith to transmit for the information and use of the General Court the annual report for 1880 of the Trustees of the State Primary and Reform Schools.

[To the Senate, Jan. 14.]

I have the honor herewith to transmit for the information and use of the General Court the eighteenth annual report of the Trustees of the Massachusetts Agricultural College.

[To the House of Representatives, Jan. 18.]

I have the honor to transmit herewith for the information and use of the General Court the fifteenth annual report

of the Commissioners on Inland Fisheries, being for the year ending Sept. 30, 1880.

[To the Senate and House of Representatives, Jan. 25.]

I am this day in receipt from his Excellency the Governor of South Carolina of a copy of a concurrent resolution of the General Assembly of that State, passed at its last session, in reference to the celebration of the centennial of the victory at Cowpens, accompanied by a request to communicate the same to you; which I do accordingly.

[To the House of Representatives, Feb. 1.]

I have the honor to transmit herewith for the information and use of the General Court the annual reports for 1880 of the treasurer and the superintendent of the Massachusetts Employment Bureau for Disabled Soldiers.

[To the House of Representatives, Feb. 4.]

I have the honor herewith to transmit for the consideration of the General Court the annual report for 1880 of the Adjutant-General of the Commonwealth.

[To the Senate and House of Representatives, Feb. 16.]

I have the honor herewith to transmit for your consideration the enclosed communication from the United States International Commission, relative to the representation of Massachusetts at the International Exhibition of Arts, Manufactures, and Products of the Soil and Mine, to be held in New York in the year 1883.

[To the Senate and House of Representatives, April 22.]

It is my painful duty to announce to the Legislature the death of the Hon. William O. Taylor of Boston, who was elected Councillor from the second district for the current political year. I cannot make this announcement without expressing the high appreciation in which he was held by his associates in the Executive department. Such were his rare personal worth and character, and large experience and wisdom in affairs, that the Commonwealth loses in him one of its best public servants.

[To the Senate, May 7.]

I return herewith to the Senate, in which it originated, a Resolve "In relation to Dock and Railroad Terminal Facilities in the Port of Boston," which is as follows:—

"*Resolved*, That the harbor and land commissioners be

authorized to mature and embody in a bill to be submitted in connection with their annual report to the next general court such plans as they may think expedient for the improvement of the South Boston Flats for dock and railroad terminal purposes: *provided*, that no expenses for traveling outside of the Commonwealth shall be incurred under this Resolve."

Although resolves of this general character have been frequent, I recall no other with such a proviso. It was not contained in the Resolve of 1879, authorizing an investigation of the subject of railroad signals by the railroad commissioners, nor in the joint order of 1879, authorizing an investigation into the system of contract convict labor, in which last case there was, however, a general limitation of the whole amount to be expended, which seems to me the proper restriction for such cases. I cannot approve it, whether regarded as a part of the present enactment or as a reflection on similar expenses heretofore incurred in the same behalf. The problem to be solved is one of great importance. It involves the redemption of hundreds of acres of flats, and a system of dockage adapted to the great shipping and railroad interests of the future. There is no similar case within our own territory; and if any information can be obtained by visiting New York or Baltimore, it would be a narrow policy to forbid the commissioners to go and get it. It is not likely, however, that they will deem even this necessary. As appears by their recent report, they, last year, after securing to the treasury over a million dollars from the sale of a portion of the flats already filled, and appreciating anew the magnitude of the work of best utilizing the immense area still remaining, visited by one of their number and studied the great docks of England, Holland and Belgium. Their suggestion so to do was approved by the Executive. It was done by them as a part of their duty under existing statutes charging them with the recommendation of such legislation as they deem necessary for the preservation and improvement of our harbors, and especially the flats near South Boston. The expense, like other expenses incurred under the authority of the same statute, was charged by them to the Commonwealth flats improvement fund. They thereby have already acquired the information which will best enable them, so far as the experience of others can be of use, to mature and embody a bill.

But the Resolve itself is unnecessary. It merely gives an authority already sufficiently provided for by the Act of

1866. But more especially, Chap. 25 of the Resolves of the present year, entitled "A Resolve in relation to the connection of Railroads and Docks," has already committed the same duty covered by the present Resolve to the hands of a joint commission, composed of the railroad, and harbor and land commissioners. In the former Resolve, however, no such proviso as that now in question is contained; and to insert it in one and not in the other is an uncalled-for discrimination.

CHANGE OF NAMES.

CHANGE OF NAMES OF PERSONS.

IN compliance with the requirement of the General Statutes, Chap. 110, Sect. 14, returns of the following Changes of Names have been received at the Department of the Secretary of the Commonwealth, as decreed by the several Judges of the Probate Courts, in their respective Counties : —

SUFFOLK COUNTY.

Date of Decree.	Original Name.	Name Decreed.	Residence.
1880.			
Jan. 5 .	Mabel Harvey Stone *	Mabel Wortley Owen . . .	Auburn, Me.
5 .	Mary Ella Geddes . . .	Mary Ella Edmands . . .	Boston.
5 .	Virginia Vanderbilt Geddes . . .	Virginia Vanderbilt Edmands . . .	Boston.
12 .	George W. Bishton *	Ralph Bishton Eastman . . .	Boston.
12 .	Edith Haynes *	Mabel Edith Clough . . .	Boston.
19 .	Lauretta Berry *	Lauretta Boston . . .	Boston.
16 .	Mary Olive Philpot *	Mary Olive Joy . . .	Boston.
16 .	Frank Lawrence Wymann *	Wilford Clark . . .	Chelsea.
16 .	Charles William Gallagher O'Connell *.	Charles William Swift . . .	Boston.
March 8 .	James M. Cary . . .	John Le Roach . . .	Boston.
8 .	Georgie Giles *	Georgie Winnifred Ryan . . .	Boston.

CHANGE OF NAMES.

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15	Walter Wellington Doland	.	.	Walter Wellington Jackson	.	.	Boston.
15	— Sinclair *	.	.	Harry Hiram Piper	.	.	Boston.
22	Frank Mack *	.	.	Solon Edward Gilmore	.	.	Boston.
22	Bertha Frances Davenport *	.	.	Bertha Lillian Taylor	.	.	Boston.
April 5	Joseph Lyman Andrews	.	.	Joseph Andrews	.	.	Boston.
12	Walter Cox *	.	.	Walter Cox Green	.	.	Chelsea.
19	Katie McCann *	.	.	Gracie Jones Simpson	.	.	Boston.
May 3	Michael Dobrinsky	.	.	Isadore Michael Dubrin	.	.	Boston.
3	Alfred Poole Howard *	.	.	Matthias Francis Shields	.	.	Boston.
10	Adelaide Payson Schirmer *	.	.	Adelaide Payson Vogel	.	.	Boston.
10	Edwin Atherstone Damant *	.	.	Edwin A. Stowe	.	.	Boston.
17	Catherine Walsh *	.	.	Esther Payson Damon	.	.	Boston.
31	Catharine Wright *	.	.	Grace A. Restarick	.	.	Boston.
June 7	Catharine Murray *	.	.	Ellen O'Neil	.	.	Boston.
14	Mary James *	.	.	Mary Eloise Bates	.	.	Boston.
14	Lilian Logan *	.	.	Lilian Jackson Barrus	.	.	St. John, N.B.
21	Mary Rose *	.	.	Mary Gomes	.	.	Flores, in Azores.
28	Charles O'Hara	.	.	Charles Trench	.	.	Boston.
July 19	William Armstrong *	.	.	William Wallace Flagg	.	.	Arlington.

* Changed by reason of adoption.

SUFFOLK COUNTY—*Concluded.*

Date of Decree.	Original Name.	Name Decreed.	Residence.
1880.			
Sept. 6	Herbert Warren	Herbert Langford Warren	Boston.
13	John Temple *	John Benjamin Francis Rawson	Boston.
13	Frank Wilson *	Harold Franklin Smith	Boston.
13	Emma Keene *	Gertrude Rust	Boston.
13	Fanny Cronin *	Maud Louise Crowell	Boston.
13	Lora Newton Martin *	Lora Maud Barbour	Boston.
Oct. 4	Alice Gertrude Homer *	Alice Gertrude Keller	Boston.
4	Rubina Josephine Webber *	Rubina Josephine Webber Martin	Pueblo, Col.
11	Ida Dolbins *	Ida Mary McKenney	Boston.
18	Florence Naomi Safford *	Florence Naomi Sprague	Boston.
18	Frederick Morton Currier *	Frederick Morton Weale	Boston.
25	Henry Goodsell	Henry Hyland	Boston.
25	James E. Murphy	James E. Ballard	Boston.
Nov. 1	John Reynolds	John Phillips Reynolds	Boston.
8	Daniel Graham <i>alias</i> Willie Elmer Clark, *	William Arnold Goodspeed	Boston.
8	Grace Eleanor Densmore Smith *	Grace Eleanor Smith	Dover.
15	Ida Parker Clifford *	Lillian Maud Paine	Boston.

22	.	Mabel Wood McLearn *	.	.	Mabel Wood Jolanna Helena Lehrich .	Boston.
22	.	Mary Gallagher *	.	.	Charlotte Fitzgerald .	Boston.
29	.	Alice Canavan *	.	.	Alice Sharper .	Boston.
29	.	Teresa Foster *	.	.	Josephine Maria von Jelagin .	Boston.
Dec. 20	.	George Perry *	.	.	George Benjamin Jerris .	Plymouth.
20	.	James McCann *	.	.	James Cummings .	Boston.
20	.	— Stickney *	.	.	Helen Rex Keller .	Boston.
20	.	Edward Prouty *	.	.	Edward Henry Cohen .	Lynn.
27	.	Elizabeth W. Southwood *	.	.	Ada Noble .	Boston.

ESSEX COUNTY.

Jan. 5	.	Martin Edward Flaherty .	.	.	Martin Edward Ferris .	Gloucester.
5	.	Frederick Sherwood Webb .	.	.	Frederick Webb .	Salem.
5	.	Eva Belle West *	.	.	Eva Belle Perham .	Unknown.
19	.	La Roy Sunderland Champion *	.	.	La Roy Sunderland Bowler .	Beverly.
Feb. 2	.	Mary Courtney *	.	.	Annie Courtney Trask .	Boston.
2	.	Arthur Mason Newell *	.	.	Arthur Newell Cook .	Dover.
2	.	Ethel Isabella Turgerson *	.	.	Allester Ethel Clarke .	Boston.
16	.	Caroline Dunakin *	.	.	Jennie Williston .	Unknown.

* Changed by reason of adoption.

ESSEX COUNTY—*Concluded.*

Date of Decree.	Original Name.	Name Decreed.	Residence.
1880.			
March 1	Joseph Burke *	Marshall Edwin Simmons	Belmont.
15	Jennie Christie Smith *	Jennie Maria Churchill.	Salem.
22	Mary Ellen Smith *	Minnie Morton	Andover.
22	Willis Lovell *	George Willis Patten	Unknown.
April 5	Ida Florence Dudica *	Ida Florence Cook	Salem.
5	Robert Moore *	Robert Moore Hulme	Schenectady, N.Y.
5	Lewis E. Woodbridge *	Lewis E. Heckler	Greenfield, N.H.
19	Alvah Woodbury Bailey	Alvah Bailey Woodbury	Beverly.
19	Winifred Hamilton Lindley *	Winifred Hamilton Willcomb	Newburyport.
26	William Patrick Foley *	William Melhman	Gloucester.
May 24	Elizabeth Bell Ethridge *	Bell E. Forbush	Boston.
June 14	Alice Crowther *	Alice Phinney	Lawrence.
28	Rufina M. Thurlow	Rufina M. Kimball	Lawrence.
July 6	Joseph E. Merchant *	Joseph E. Palmer.	Gloucester.
12	Evelina Comeau *	Evelina Conant	Unknown.
Sept 20	Elvira Nelson *	Ella Maud Webster	Boston.
20	Julia Elizabeth Young *	Elizabeth Julia Griffin	Middleton.

Oct. 18	Mary Forsy *	.	.	.	.	Mary Marcoux	.	.	Haverhill.
18	Lavinia Anderson *	.	.	.	.	Luenia Anderson Keene	.	.	Boston.
18	Nellie Porter Battles	.	.	.	.	Ellen Porter Battles	.	.	Lawrence.
25	Thomas Copley Amory .	.	.	.	.	Copley Amory	.	.	Nahant.
2 Nov. 15	Annie Mansfield Boynton *	.	.	.	.	Annie Mansfield Skinner	.	.	Lynn.
Dec. 6	Annie Maria Hart *	.	.	.	.	Annie Maria Lundell	.	.	Gloucester.
6	Arthur Raymond Winter *	.	.	.	.	Charles Hastings Breed	.	.	Framingham.
20	Anna Bell Plouf *	.	.	.	.	Anna Holland Mungin	.	.	Lawrence.
20	Mary Lina Plouf *	.	.	.	.	Mary Lena Mungin	.	.	Lawrence.

MIDDLESEX COUNTY.

Jan. 6	Edward Payson Marshall *	.	.	.	.	Edward Payson Favor	.	.	Somerville.
6	Charles Richardson Marshall *	.	.	.	.	Charles Richardson White	.	.	Cambridge.
13	Stella Mary — *	.	.	.	.	Stella Mary Finley	.	.	Somerville.
13	Thomas Joseph Jones *	.	.	.	.	Thomas Joseph Ryan	.	.	Marlborough.
27	Edward Francis Shepard *	.	.	.	.	Frederick Morton Fiske	.	.	Weston.
27	Etta Coleman *	.	.	.	.	Alice Snall	.	.	Newton.
27	Eva E. Bates *	.	.	.	.	Eva Bates Corey	.	.	Waltham.
Feb. 24	Theodore Ware *	.	.	.	.	Horace Louis Cilley	.	.	Cambridge.

* Changed by reason of adoption.

MIDDLESEX COUNTY — *Concluded.*

Date of Decree.	Original Name.	Name Decreed.	Residence.
1880.			
March 16	John Brewer Hildreth . . .	John Lewis Hildreth . . .	Cambridge.
May 4	Rita M. Eaton * . . .	Rita Maria Maloy . . .	Somerville.
18	Child — name unknown * . . .	Mary Jane Moorhouse . . .	Lowell.
18	Bessie Maria Knowles * . . .	Bessie Maria Lawrence . . .	Pepperell.
18	Henry Franklin Dwinell * . . .	Franklin Russell Spear . . .	Melrose.
25	Charles Roscoe Bassford . . .	Charles Roscoe Craig . . .	Marlborough.
June 8	— Heyward * . . .	William Albert Doucett . . .	Stoneham.
8	Ellen L. Hammond * . . .	Ada Florence Wright . . .	Cambridge.
8	Joseph E. Burgeron * . . .	Joseph Elmo Leblane . . .	Lowell.
July 6	Cora Alice Butler * . . .	Cora Alice Groeschner . . .	Watertown.
13	Alice Sullivan * . . .	Marjorie King . . .	Newton.
27	Charles Augustus Brinnick * . . .	Charles Augustus Chamberlain . . .	Newton.
Sept. 7	Henrietta Counterway * . . .	Nettie Ella Littlefield . . .	Somerville.
21	Hugh Short * . . .	Albert Tice . . .	Lowell.
21	Henry Warren Taylor * . . .	James William Flynn . . .	Cambridge.
28	Buelah Henrietta Parsons * . . .	Bertha Louise Cameron . . .	Cambridge.
Oct. 12	Gracie May Thompson * . . .	Gracie May Little . . .	Lowell.

12	George Lindsey Pray *	.	.	.	Clinton Beach Haley	.	.	Cambridge.
Nov. 2	Charles Ryan *	.	.	.	Charles Sumner Silsby	.	.	Lunenburg.
9	Mary Jane Cookley *	.	.	.	Mary Jane Murphy	.	.	Newton.
9	William Vincent Smith	.	.	.	William Smith Carter	.	.	Arlington.
9	Alice Parkman Smith	.	.	.	Alice Parkman Carter	.	.	Arlington.
23	Ida Hyde *	.	.	.	Dora Elizzie Leland	.	.	Newton.
Dec. 7	Henry Hay *	.	.	.	Henry Kennedy	.	.	Somerville.
7	Sarah Elizabeth Ellis	.	.	.	Sarah Lillian Ellis	.	.	Marlborough.
14	Albert Henry Putnam	.	.	.	Henry Albert Putnam	.	.	Marlborough.
28	Edward Ruthvern Macdonough *	.	.	.	Edward Ruthvern Barnes	.	.	Cambridge.
28	Charles Barnes Macdonough *	.	.	.	Charles Barnes	.	.	Cambridge.

WORCESTER COUNTY.

Feb. 3	Richard Barry	.	.	.	Charles Joseph Foster	.	.	Worcester.
3	Moses Milkman	.	.	.	Alfred Spencer Lowell	.	.	Worcester.
17	Annie Louisa Gay *	.	.	.	Belle Hallett Keene	.	.	Milford.
17	Thomas Salmon	.	.	.	Thomas Henry Aldrich	.	.	Uxbridge.
24	Charles Edward Flint *	.	.	.	Charles Edward Merritt	.	.	Fitchburg.

* Changed by reason of adoption.

WORCESTER COUNTY — *Concluded.*

Date of Decree.	Original Name.	Name Decreed.	Residence.
1880.			
March 2	Charles Jones *	Charles Corbin	Webster.
16	George Frederick Renney *	George Frederick Burnell	Boylston.
16	Jennie Waldmyer Foster *	Jennie Foster Chapin	Northborough.
16	Rose Mary Elizabeth McDonald *	Effie Grace Green	Spencer.
16	Leonia Isabell Gould *	Leonia Isabell Hutchinson	Fitchburg.
16	Josephine Brooks *	Clara Barton Taylor	Worcester.
April 6	Florence Edgar Benjamin	Frank Edgar Benjamin	Fitchburg.
20	George Franklin Willard *	George Franklin Gray	Warren.
May 4	Anna Maria C. Katherina Fahring *	Anna Maria Katherina Pferdekamp	Clinton.
4	Gerhard Henry Fahring *	Gerhard Henry Pferdekamp	Clinton.
4	Sophie M. Fahring *	Sophie M. Pferdekamp	Clinton.
18	Sarah Frances Smith *	Florence Mabel Gales	Worcester.
June 1	Blanche Warren *	Blanche Warren Learned	Worcester.
July 6	Ellen E. Blunt *	Nellie E. White	Northbridge.
Sept. 14	Lillian Force *	Lillian Sherman	Milford.
Oct. 13	Isaletta Belle Thompson *	Etta Belle Smith	Petersham.

19	Josephine Eglentine Caya *	.	.	.	Josephine Eglentine Maynard	.	.	Southbridge.
Dec. 21	Hattie Belle Rathburn *	.	.	.	Hattie Belle Guilford	.	.	Hardwick.
HAMPSHIRE COUNTY.								
Jan. 6	Annie Goss *	.	.	.	Annie Goss Dolby	.	.	Worthington.
Feb. 3	Frank L. Thayer *	.	.	.	Frank L. Bonnett.	.	.	Amherst.
March 2	Bernice Ann Loring *	.	.	.	Bernice Ann Clark	.	.	Huntington.
April 6	Henry Rawson *	.	.	.	Willard Francis Bryant	.	.	Chesterfield.
6	Nettie Ellen Jackson *	.	.	.	Nettie Jackson Clark	.	.	South Hadley.
June 1	Thomas McGrath .	.	.	.	Thomas Francis McGrath	.	.	Hadley.
Aug. 3	Susan M. Tilden *	.	.	.	Susan M. Engram	.	.	Chesterfield.
Oct. 12	Emma Linda Jackson *	.	.	.	Emma Linda Curtis	.	.	Belchertown.
Nov. 3	Fred Eugene Rawson *	.	.	.	Fred Eugene Bartlett	.	.	Chesterfield.
Dec. 7	Cora E. Howe *	.	.	.	Cora E. Cook	.	.	Amherst.
HAMPDEN COUNTY.								
Feb. 16	Florence Mabel Ritter *	.	.	.	Olga Charlotte McFehries	.	.	Longmeadow.
March 2	Edward Anderson *	.	.	.	Edward Beiser	.	.	Springfield.

* Changed by reason of adoption.

HAMPDEN COUNTY — *Concluded.*

Date of Decree.	Original Name.	Name Decreed.	Residence.
1880.			
March 2 .	Edward Franklin Bourke *	Edward Albert Parker .	Wilbraham.
2 .	William Henry Bourke *	William Edwin West .	Wilbraham.
April 6 .	Zaidee Priscilla Thompson *	Zaidee Thompson Knight .	West Springfield.
6 .	Emily M. Williams † .	Emily M. Ferry .	Chicopee.
17 .	Charles Walcott Merriam † .	Charles Walcott Merriam .	Springfield.
May 11 .	Maria Waters * .	Minnie Maria Parmenter .	Palmer.
19 .	Lester Emery Converse *	Lester Emery Bradway .	Wales.
July 6 .	Ella Francis Barnes † .	Ella Francis Barnes .	Westfield.
6 .	Ida May Palmer * .	Ida May Presset .	Springfield.
Aug. 3 .	Esper Phelps * .	Esper Crosby .	West Springfield.
Sept. 7 .	Daisy Laugguth * .	May Warren Farmer .	Springfield.
7 .	Raymond T. Erwin *	Raymond Irving Lewis .	Springfield.
21 .	Fanny Bent Gowdy *	Fanny Bent Bishop .	Springfield.
Dec. 7 .	Mabel Young Titus * .	Mabel Young .	Springfield.
8 .	Hattie May Dean † .	Hattie May Dean .	Springfield.

FRANKLIN COUNTY.

March 2	Theresa Grollmann *	.	.	.	Theresa Grollmann Sommers	.	Shelburne.
April 22	Kate Leyden *	.	.	.	Katie Leyden Hartley	.	Montague.
July 6	Arlon Orcutt Moffatt *	.	.	.	Arlon Orcutt Holden	.	Hawley.
Aug. 3	Lottie Swartz *	.	.	.	Lottie Russell Shirley	.	Conway.
3	Henry G. Bowman *	.	.	.	Henry G. Vincent.	.	Heath.
Oct. 5	Frank L. Nelson Hastings	.	.	.	Frank L. Nelson	.	Warwick.
Dec. 10	Rosa Brennan *	.	.	.	Rose Emma Cobb	.	Greenfield.

BERKSHIRE COUNTY.

Feb. 3	Anna M. North *	.	.	.	Anna M. Dean	.	Adams.
3	Arthur Jannette *	.	.	.	Arthur Varno	.	Adams.
3	Delia Jannette *	.	.	.	Delia Murray	.	Adams.
March 3	Daisy E. Stone *	.	.	.	Daisy E. Haskins	.	North Adams.
May 4	Mary Elizabeth Osborne *	.	.	.	Mary Elizabeth Powers	.	Pittsfield.
4	Charles Crew *	.	.	.	Charles Thomas Kirk	.	Pittsfield.
5	Grace Shufelt *	.	.	.	Grace Pixley	.	New Marlborough.
June 1	Sarah Jones *	.	.	.	Lillian B. Culverhouse	.	North Adams.

* Changed by reason of adoption.

† Adoption without change of name.

‡ Change of name of adult.

BERKSHIRE COUNTY — *Concluded.*

Date of Decree.	Original Name.	Name Decreed.	Residence.
1880.			
July 22	Lida F. Moulton *	Lida F. Goodnow .	North Adams.
Nov. 3	Myrtie Hall *	Elsie L. Boyd .	North Adams.
Dec. 7	Ivoddell Tower *	Ivoddell Waters .	Adams.
7	Mary L. Mundry *	Mary L. Monteaux .	Pittsfield.
7	Irena Washburn *	Rosa Adams .	Lee.

NORFOLK COUNTY.

Jan. 14	Georgianna Glover Arnold *	Georgianna Glover Derry .	Braintree.
21	Harriet Allen *	Bessie Howard Farnham .	Randolph.
Feb. 11	Alice Levan *	Edith Dana Tucker .	Milton.
18	Gilbert Nathaniel Weaver *	Harry Weston Badger .	Quincy.
March 3	William Robinson *	William Francis Collins .	Medway.
3	Charles Lamb *	Charles Alonzo Thayer .	Dedham.
23	Isabel Estelle Capen *	Isabel Capen White .	Canton.
23	Henry McCall *	Harry Allen Norton .	Dover.
23	Mabel Peterson *	Anna Mabel Newcomb .	Quincy.

Sept. 15	Jennie Frederica Carlson *	.	.	Hattie Ardell Poole	.	.	Hyde Park.
15	Jesse Cooper *	.	.	Jessie Cooper Mears	.	.	Quincy.
15	Sarah Ellen Cooper *	.	.	Nellie S. Hanna	.	.	Quincy.
22	Hattie Elizabeth Shepard *	.	.	Hattie Elizabeth Bennett	.	.	Hyde Park.
Oct. 20	Hattie Osgood *	.	.	Hattie B. Derby	.	.	Needham.
Nov. 3	John Wesley Kilpatrick	.	.	John Wesley Williams	.	.	Hyde Park.
Dec. 15	Winnifred Camille Sampson *	.	.	Camille Jane Osgood	.	.	Sharon.

PLYMOUTH COUNTY.

Feb. 9	Elizabeth Marr *	.	.	Lizzie Adams Brown	.	.	Abington.
May 24	George H. Stevens *	.	.	Albert Leslie Simmons	.	.	Plymouth.
July 12	Sarah E. Pratt *	.	.	Sarah E. Bryant	.	.	Middleborough.
Sept. 13	Bernard James *	.	.	Fred Loring Corthell	.	.	Hingham.
Oct. 18	George Greeley *	.	.	George Henry Tighe	.	.	Brockton.
Dec. 27	Annie Maria Parsons *	.	.	Anna Maria Thrasher	.	.	Plymouth.
27	Jennie G. Walling *	.	.	Jennie G. Hatch	.	.	Hanover.

* Changed by reason of adoption.

BRISTOL COUNTY.

Date of Decree.	Original Name.	Name Decreed.	Residence.
1880.			
Jan. 2	Aley R. E. Young	Aley R. E. Swift	Fall River.
16	Phebe Ann Hewlett	Annie Maomber	Taunton.
Feb. 6	Nellie Fitts	Winnifred Louise Harding	Boston.
6	Mary Ann Grady	Mary Ann Carrot	Fall River.
6	Joseph Dimech	Frederick Scholes	Fall River.
6	Ida M. Hanherson	Ida M. Clemens	Taunton.
March 19	Clara Fone	Clara Amanda Blachler	Boston.
19	Sarah E. Ramsey	Sarah E. Maomber	Fall River.
April 2	Ruby Marlow	Ruby Ellen Altham	Fall River.
May 7	Maria Bittencourte	Maria Sylvia	New Bedford.
21	Olive J. Hadwen	Olive J. Braley	New Bedford.
June 18	Cora P. Wilcox	Cora Estelle Tinkham	Fairhaven.
July 2	Abraham Luce	William Aldens Johns	New Bedford.
Aug. 6	Maria Francisca de Rosa	Maria Francisca Machado	Gloucester.
6	Martha N. Smith	Clara May Smith	New Bedford.
Sept. 3	Alice Isabella Beeden	Alice Clark	Dartmouth.

24	•	Wilbert Watts	•	•	•	•	•	•	•	Wilbert Baldwin	•	•	•	•	•	Boston.
Oct. 1	•	Thomas Suter Palmer	•	•	•	•	•	•	•	Thomas Palmer Harrison	•	•	•	•	•	Fall River.

BARNSTABLE COUNTY.

Jan. 13	•	Angie Holway *	•	•	•	•	•	•	•	Angie Bell	•	•	•	•	•	Provincetown.
June 15	•	Arthur Emerson Thompson *	•	•	•	•	•	•	•	Arthur Emerson Swift	•	•	•	•	•	Falmouth.
Aug. 10	•	Charles A. Bray *	•	•	•	•	•	•	•	Charles A. Williams	•	•	•	•	•	Wellfleet.

* Changed by reason of adoption.

THE
CIVIL GOVERNMENT

OF THE

Commonwealth of Massachusetts,

AND OFFICERS IMMEDIATELY CONNECTED THEREWITH,
FOR THE POLITICAL YEAR

1881.

EXECUTIVE DEPARTMENT.

HIS EXCELLENCY

JOHN D. LONG,
GOVERNOR.

WILLIAM M. OLIN *Private Secretary.*

HIS HONOR

BYRON WESTON,
LIEUTENANT-GOVERNOR.

COUNCIL—(By Districts).

- | | |
|------------------------------------|----------------|
| I.—MATTHEW H. CUSHING | Middleborough. |
| II.—MAHLON D. SPAULDING* | Boston. |
| III.—EUSTACE C. FITZ | Chelsea. |
| IV.—MICHAEL J. FLATLEY | Boston. |
| V.—JOSEPH DAVIS | Lynn. |
| VI.—GEORGE HEYWOOD | Concord. |
| VII.—RODNEY WALLACE | Fitchburg. |
| VIII.—RUFUS D. WOODS | Enfield. |
-

HENRY B. PEIRCE,

SECRETARY OF THE COMMONWEALTH.

HENRY J. COOLIDGE, *1st Clerk.* ISAAC H. EDGETT, *2d Clerk.*
GEORGE G. SPEAR, Jr., *3d Clerk.*

DANIEL A. GLEASON,

TREASURER AND RECEIVER-GENERAL.

DANIEL H. ROGERS, *1st Clerk.* JOHN Q. ADAMS, *2d Clerk.*

CHARLES R. LADD,

AUDITOR OF ACCOUNTS.

WILLIAM D. HAWLEY, *1st Clerk.* EDWARD S. DAVIS, *2d Clerk.*

GEORGE MARSTON,

ATTORNEY-GENERAL.

FREDERIC H. GILLETT *Assistant Attorney-General.*

* Elected by legislature May 3, *vice* William O. Taylor of Boston, deceased April 20.

LEGISLATIVE DEPARTMENT.

GENERAL COURT:

ARRANGED IN ACCORDANCE WITH THE DISTRICT REVISION OF 1876.

SENATE.

President — ROBERT R. BISHOP.

District.	Name of Senator.	Residence.
First Suffolk . .	James Smith . . .	Boston.
Second “ . .	William T. Van Nostrand,	Boston.
Third “ . .	James L. Quigley . .	Boston.
Fourth “ . .	George G. Crocker . .	Boston.
Fifth “ . .	John B. Martin . .	Boston.
Sixth “ . .	Charles H. Allen . .	Boston.
Seventh “ . .	Henry W. Fuller . .	Boston.
Eighth “ . .	Joseph Bennett . .	Boston.
First Essex . .	Harmon Hall . . .	Saugus.
Second “ . .	Nathaniel A. Horton .	Salem.
Third “ . .	Francis Norwood . .	Beverly.
Fourth “ . .	Joseph N. Rolfe . .	Newbury.
Fifth “ . .	Charles B. Rice . .	Danvers.
Sixth “ . .	John A. Wiley . .	North Andover.
First Middlesex .	Elisha S. Converse . .	Malden.
Second “ . .	Robert R. Bishop . .	Newton.
Third “ . .	Leander M. Hannum .	Cambridge.
Fourth “ . .	Charles Q. Tirrell . .	Natick.

District.	Name of Senator.	Residence.
Fifth Middlesex . . .	Anson D. Fessenden . . .	Townsend.
Sixth " . . .	Thomas Winship . . .	Wakefield.
Seventh " . . .	Charles S. Lilley . . .	Lowell.
First Worcester . . .	Thomas J. Hastings . . .	Worcester.
Second " . . .	William Abbott . . .	Douglas.
Third " . . .	Chester C. Corbin . . .	Webster.
Fourth " . . .	John M. Moore . . .	Gardner.
Fifth " . . .	Daniel B. Ingalls . . .	Clinton.
Hampshire . . .	Samuel M. Cook . . .	Granby.
First Hampden . . .	Marcus P. Knowlton . . .	Springfield.
Second " . . .	Emerson Gaylord . . .	Chicopee.
Franklin . . .	Joseph H. Root . . .	Montague.
North Berkshire . . .	Francis W. Rockwell . . .	Pittsfield.
South " . . .	Elizur Smith . . .	Lee.
First Norfolk . . .	David W. Tucker . . .	Milton.
Second " . . .	James P. Ray . . .	Franklin.
First Plymouth . . .	Ebenezer T. Fogg . . .	South Scituate.
Second " . . .	Starkes Whiton . . .	Hingham.
First Bristol . . .	Oliver Ames . . .	Easton.
Second " . . .	Milton Reed . . .	Fall River.
Third " . . .	George B. Richmond . . .	New Bedford.
Cape . . .	Samuel Snow . . .	Barnstable.

STEPHEN N. GIFFORD	<i>Clerk.</i>
EDMUND DOWSE	<i>Chaplain.</i>
O. F. MITCHELL	<i>Sergeant-at-Arms.</i>

HOUSE OF REPRESENTATIVES.

Speaker — CHARLES J. NOYES.

COUNTY OF SUFFOLK.

District.	Ward.	Name of Representative.	Residence.
1st,	Boston, Ward 1	. { Edwin R. Webster . Harvey N. Shepard .	Boston. Boston.
2d,	Boston, Ward 2	. { William J. Burke . Joseph P. Hamlin .	Boston. Boston.
3d,	Boston, Ward 3	. { James White . Henry Lyon .	Boston. Boston.
4th,	Boston, Ward 4	. Augustus W. Stover,	Boston.
5th,	Boston, Ward 5	. { John Reade . Dennis G. Quirk .	Boston. Boston.
6th,	Boston, Ward 6	. { Patrick F. Mahoney, Thomas McCullough,	Boston. Boston.
7th,	Boston, Ward 7	. { Alex. B. McGahey . Peter Cannon .	Boston. Boston.
8th,	Boston, Ward 8	. { Frank Gargan . Owen A. Galvin .	Boston. Boston.
9th,	Boston, Ward 9	. { John F. Andrew . James M. Bugbee .	Boston. Boston.
10th,	Boston, Ward 10	. { Henry H. Sprague . Increase E. Noyes .	Boston. Boston.
11th,	Boston, Ward 11	. { John G. Webster . Hamilton A. Hill .	Boston. Boston.
12th,	Boston, Ward 12	. { Jeremiah H. Mullane, Patrick F. McDonald,	Boston. Boston.
13th,	Boston, Ward 13	. { Cornelius F. Cronin, James A. McGeough,	Boston. Boston.
14th,	Boston, Ward 14	. { Charles J. Noyes . Arthur H. Wilson .	Boston. Boston.

HOUSE OF REPRESENTATIVES.

COUNTY OF SUFFOLK — CONCLUDED.

District.	Town or Ward.	Name of Representative.	Residence.
15th,	Boston, Ward 15 . {	George W. Bail . Frank A. Clapp .	Boston. Boston.
16th,	Boston, Ward 16 . {	Abraham J. Lamb . Joseph H. O'Neil .	Boston. Boston.
17th,	Boston, Ward 17 . {	Zenas E. Smith . John Q. A. Brackett,	Boston. Boston.
18th,	Boston, Ward 18 . {	Edward P. Brown . George E. Learnard .	Boston. Boston.
19th,	Boston, Ward 19 . {	John Joyce . Thomas Fay, jun. .	Boston. Boston.
20th,	Boston, Ward 20 . {	John F. Dever . Timothy A. Murphy,	Boston. Boston.
21st,	Boston, Ward 21 . {	Arthur W. Tufts . Benj. C. Tinkham .	Boston. Boston.
22d,	Boston, Ward 22 .	Francis B. Kelly .	Boston.
23d,	Boston, Ward 23 . {	Levi L. Willcutt . Edward P. Butler .	Boston. Boston.
24th,	Boston, Ward 24 . {	George L. Burt . Martin L. Bradford .	Boston. Boston.
25th,	Boston, Ward 25 .	George B. Livermore,	Boston.
26th,	{ Chelsea . . . } { Revere . . . } { Winthrop . . }	Thomas B. Jones . Joseph W. Stickney, Thomas Floyd .	Chelsea, Chelsea. Winthrop.

COUNTY OF ESSEX.

1st,	{ Rockport . . . } { Gloucester, Ward 7, }	Nath. Richardson, jr.	Rockport.
2d,	{ Gloucester, Wards 1, } { 2, 3, 4, 5, 6 . . }	Wm. H. Wonson, 3d, Isaac A. S. Steele .	Gloucester. Gloucester.
3d,	{ Gloucester, Ward 8, } { Essex . . . } { Manchester . . } { Hamilton . . . }	William H. Tappan .	Manchester.

COUNTY OF ESSEX — CONTINUED.

District.	Town or Ward.	Name of Representative.	Residence.
4th,	{ Wenham . . . }	Gilbert A. Tapley .	Danvers.
	{ Danvers . . . }		
5th,	Beverly . . .	John I. Baker . .	Beverly.
6th,	{ Salem, Wards 1, 2, }	James F. Almy . .	Salem.
	{ 5. . . . }	William Cogswell .	Salem.
7th,	{ Salem, Wards 3, 4, }	Rufus B. Gifford .	Salem.
	{ 6. . . . }	Charles B. Fowler .	Salem.
8th,	{ Marblehead . . }	William B. Brown .	Marblehead.
	{ Swampscott . . }	Lewis Carroll . .	Marblehead.
9th,	Lynn, Ward 3 .	Ebenezer Beckford .	Lynn.
10th,	{ Lynn, Wards 1, 2, 4, }	Hartwell S. French .	Lynn.
	{ 5, 7 . . . }	Frank D. Allen . .	Lynn.
	{ Nahant . . . }	H. Cabot Lodge . .	Nahant.
11th,	Lynn, Ward 6 .	Samuel B. Valpey .	Lynn.
12th,	Peabody . . .	Henry Wardwell .	Peabody.
13th,	{ Saugus . . . }		
	{ Lynnfield . . . }	Andrew Mansfield .	Lynnfield.
	{ Middleton . . . }		
	{ Topsfield . . . }		
14th,	{ Andover . . . }	Thomas K. Gilman .	No. Andover.
	{ North Andover . . }		
15th,	{ Boxford . . . }	Alonzo B. Fellows .	Ipswich.
	{ Rowley . . . }		
	{ Ipswich . . . }		
16th,	{ Newbury . . . }	Amos Coffin . .	Newburyport.
	{ Newburyport, W'ds }	Edward P. Shaw . .	Newburyport.
	{ 1, 2, 3, 4, 5, 6 . }		
17th,	{ Georgetown . . }	George H. Carleton .	Georgetown.
	{ Groveland . . . }		
	{ Bradford . . . }		
18th,	{ West Newbury . . }	Richard Newell . .	W. Newbury.
	{ Salisbury . . . }	Benjamin L. Fifield,	Salisbury.
	{ Amesbury . . . }		
	{ Merrimac . . . }		

HOUSE OF REPRESENTATIVES.

COUNTY OF ESSEX—CONCLUDED.

District.	Town or Ward.	Name of Representative.	Residence.
19th,	{ Haverhill, Wards 1, } { 2, 3, 4, 5, 6 . . } { Methuen . . . }	Levi Taylor . . Edwin Gage . . Daniel T. Morrison .	Haverhill. Haverhill. Methuen.
20th,	{ Lawrence, Wards 1, } { 2, 3 . . . }	Daniel Donovan . Joseph J. Nichols .	Lawrence. Lawrence.
21st,	{ Lawrence, Wards 4, } { 5, 6 . . . }	Edward P. Poor . Thomas Scott .	Lawrence. Lawrence.

COUNTY OF MIDDLESEX.

1st,	{ Cambridge, Wards } { 1, 5 . . . }	Thos. W. Higginson, Henry W. Muzzey .	Cambridge. Cambridge.
2d,	{ Cambridge, Wards } { 2, 4 . . . }	Henry J. Wells . Sumner Albee . G. D. Chamberlain .	Cambridge. Cambridge. Cambridge.
3d,	Cambridge, Ward 3,	John McSorley .	Cambridge.
4th,	Somerville, Ward 1,	John Haskell Butler,	Somerville.
5th,	Somerville, Ward 2,	Quincy A. Vinal .	Somerville.
6th,	{ Somerville, Wards } { 3, 4 . . . }	Person Davis . .	Somerville.
7th,	Medford . . .	John C. Rand . .	Medford.
8th,	{ Malden . . . } { Everett . . . }	Ezra A. Stevens . William Johnson .	Malden. Everett.
9th,	Melrose . . .	B. Marvin Fernald .	Melrose.
10th,	Stoneham . . .	Charles L. Gill .	Stoneham.
11th,	Wakefield . . .	Solon O. Richardson,	Wakefield.
12th,	{ Reading . . . } { North Reading . . } { Wilmington . . . }	Charles F. Brown .	Reading.
13th,	Woburn . . .	Edward D. Hayden .	Woburn.
14th,	{ Arlington . . . } { Winchester . . . }	Thomas P. Ayer * .	Winchester.

* Elected March 1, *vice* Josiah F. Stone of Winchester, deceased Jan. 26.

COUNTY OF MIDDLESEX — CONTINUED.

District.	Town or Ward.	Name of Representative.	Residence.
15th,	{ Watertown . . . } { Belmont . . . }	Samuel Walker .	Watertown.
16th,	Newton . . . }	George W. Morse . John H. Sanborn .	Newton. Newton.
17th,	Waltham . . .	Nathan Warren .	Waltham.
18th,	{ Lexington . . . } { Burlington . . . } { Bedford . . . } { Billerica . . . }	Charles A. Corey .	Bedford.
19th,	{ Tewksbury . . . } { Chelmsford . . . } { Tyngsborough . . . } { Dracut . . . }	Enoch Foster . .	Tewksbury.
20th,	Lowell, Ward 1 .	John O'Donnell .	Lowell.
21st,	Lowell, Ward 2 .	Leonard Brown .	Lowell.
22d,	Lowell, Ward 3 .	Edward Cawley .	Lowell.
23d,	Lowell, Ward 4 .	Charles H. Allen .	Lowell.
24th,	Lowell, Ward 5 .	Robert Goulding .	Lowell.
25th,	Lowell, Ward 6 .	J. Tyler Stevens .	Lowell.
26th,	{ Concord . . . } { Acton . . . } { Carlisle . . . } { Lincoln . . . }	Samuel Hoar . .	Concord.
27th,	{ Weston . . . } { Wayland . . . } { Sudbury . . . } { Maynard . . . }	Hiram Curtis . .	Maynard.
28th,	Natick . . .	Edward McManus .	Natick.
29th,	{ Holliston . . . } { Sherborn . . . }	George B. Fiske .	Holliston.
30th,	{ Hopkinton . . . } { Ashland . . . }	Owen Wood . .	Hopkinton.
31st,	Framingham . .	Luther F. Fuller .	Framingham.

COUNTY OF MIDDLESEX — CONCLUDED.

District.	Town.	Name of Representative.	Residence.
32d,	Marlborough . . .	Timothy A. Coolidge,	Marlborough.
33d,	{ Hudson . . . Stow . . . Boxborough . . . Littleton . . . }	Edmund M. Stowe .	Hudson.
34th,	{ Westford . . . Groton . . . Dunstable . . . Pepperell . . . }	Asa S. Lawrence .	Groton.
35th,	{ Ayer . . . Shirley . . . Townsend . . . Ashby . . . }	John E. Dickerman .	Townsend.

COUNTY OF WORCESTER.

1st,	{ Blackstone . . . Uxbridge . . . }	Leonard T. Gaskell .	Blackstone.
2d,	{ Mendon . . . Milford . . . Upton . . . }	Silas W. Hale . . . Charles W. Wilcox .	Milford. Milford.
3d,	{ Northbridge . . . Grafton . . . }	George F. Searles .	Northbridge.
4th,	{ Westborough . . . Southborough . . . }	W. T. Forbes . . .	Westborough.
5th,	{ Clinton . . . Berlin . . . Bolton . . . Sterling . . . Lancaster . . . Harvard . . . Lunenburg . . . }	Edward G. Stevens . William H. Burpee .	Clinton. Sterling.
6th,	Fitchburg . . .	George F. Fay . . . Joseph A. Tufts .	Fitchburg. Fitchburg.
7th,	{ Winchendon . . . Ashburnham . . . Gardner . . . Westminster . . . Princeton . . . }	Giles H. Whitney . . J. Hervey Miller .	Winchendon. Westminster.

COUNTY OF WORCESTER — CONTINUED.

District.	Town or Ward.	Name of Representative.	Residence.
8th,	{ Athol . . . } { Royalston . . . }	Ira Y. Kendall .	Athol.
9th,	{ Petersham . . . } { Phillipston . . . } { Templeton . . . } { Hubbardston . . . }	Otis D. Sawin .	Templeton.
10th,	{ Dana . . . } { Hardwick . . . } { Barre . . . } { Oakham . . . } { New Braintree . . }	Thomas P. Root .	Barre.
11th,	{ Rutland . . . } { Holden . . . } { Paxton . . . } { Leicester . . . }	William F. Holman .	Leicester.
12th,	{ West Brookfield . . } { Warren . . . } { Brookfield . . . } { North Brookfield . . } { Sturbridge . . . }	George A. Parratt . Lucien M. Gilbert *.	W. Brookfi'd. Warren.
13th,	{ Spencer . . . } { Charlton . . . } { Southbridge . . . } { Oxford . . . }	Isaac L. Prouty . Samuel C. Hartwell,	Spencer. Southbridge.
14th,	{ Douglas . . . } { Webster . . . } { Dudley . . . }	John J. Love .	Webster.
15th,	{ Auburn . . . } { Millbury . . . } { Sutton . . . }	Levi L. Whitney .	Millbury.
16th,	{ Shrewsbury . . . } { Northborough . . . } { Boylston . . . } { West Boylston . . }	Henry O. Sawyer .	West Boylston.
17th,	Leominster . . .	Dwight B. Look .	Leominster.
18th,	Worcester, Ward 1 .	Aaron G. Walker .	Worcester.
19th,	Worcester, Ward 2 .	M. V. B. Jefferson .	Worcester.
20th,	Worcester, Ward 3 .	Eugene M. Moriarty,	Worcester.

* Elected Feb. 17, *vice* George M. Newton of Warren, deceased Jan. 23.

HOUSE OF REPRESENTATIVES.

COUNTY OF WORCESTER — CONCLUDED.

District.	Town or Ward.	Name of Representative.	Residence.
21st,	Worcester, Ward 4 .	Francis Plunkett .	Worcester.
22d,	Worcester, Ward 5 .	James H. Mellen .	Worcester.
23d,	Worcester, Ward 6 .	Asaph R. Marshall .	Worcester.
24th,	Worcester, Ward 7 .	Edwin Ames .	Worcester.
25th,	Worcester, Ward 8 .	William L. Clark .	Worcester.

COUNTY OF HAMPSHIRE.

1st,	{ Easthampton . . . } { Northampton . . . } { Southampton . . . }	Edwin R. Bosworth . Sidney Strong .	Easthampton. Northampton.
2d,	{ Hadley . . . } { Hatfield . . . } { Westhampton . . . } { Williamsburg . . . }	Albert G. Jewett .	Westhampton.
3d,	{ Chesterfield . . . } { Cummington . . . } { Goshen . . . } { Huntington . . . } { Middlefield . . . } { Plainfield . . . } { Worthington . . . }	Edwin S. Burr .	Worthington.
4th,	{ Amherst . . . } { Pelham . . . } { Prescott . . . } { South Hadley . . . }	Chas. O. Parmenter .	Amherst.
5th,	{ Belchertown . . . } { Enfield . . . } { Granby . . . } { Greenwich . . . } { Ware . . . }	Asahel H. Dorman .	Belchertown.

COUNTY OF HAMPDEN.

1st,	{ Monson . . . } { Brimfield . . . } { Holland . . . } { Wales . . . }	Solomon F. Cushman .	Monson.
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HOUSE OF REPRESENTATIVES.

745

COUNTY OF HAMPDEN — CONCLUDED.

District.	Town or Ward.	Name of Representative.	Residence.
2d,	{ Palmer . . . } { Wilbraham . . . } { Hampden * . . . } { Ludlow . . . }	Chauncy E. Peck .	Wilbraham.
3d,	Chicopee . . .	John Goodwin . .	Chicopee.
4th,	{ Springfield, Wards } { 1, 2 . . . }	Josiah Bumstead . Hubert M. Coney .	Springfield. Springfield.
5th,	{ Springfield, Wards } { 3, 6 . . . }	Edwin D. Metcalf .	Springfield.
6th,	{ Springfield, Wards } { 4, 7 . . . } { Longmeadow . . }	Henry M. Phillips .	Springfield.
7th,	{ Springfield, Wards } { 5, 8 . . . }	Chris. C. Merritt .	Springfield.
8th,	{ Holyoke, Wards 1, 2, } { 3, 4, 5 . . }	John H. Wright .	Holyoke.
9th,	{ Holyoke, Wards 6, 7, } { West Springfield . }	Ashton E. Hemphill,	Holyoke.
10th,	{ Westfield . . . } { Agawam . . . } { Montgomery . . }	Edward C. Carpenter, John W. Colton .	Westfield. Westfield.
11th,	{ Southwick . . . } { Granville . . . } { Tolland . . . } { Blandford . . . } { Chester . . . } { Russell . . . }	George T. Bryant .	Russell.

COUNTY OF FRANKLIN.

1st,	{ Erving . . . } { Warwick . . . } { Orange . . . } { New Salem . . }	Charles A. Eddy .	Erving.
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* Town of Wilbraham divided and Hampden incorporated March 28, 1878.

COUNTY OF FRANKLIN — CONCLUDED.

District.	Town.	Name of Representative.	Residence.
2d,	{ Montague . . . Sunderland . . . Leverett . . . Shutesbury . . . Wendell . . . }	William W. Russell,	Sunderland.
3d,	{ Greenfield . . . Gill . . . Shelburne . . . }	Leonard Barton .	Gill.
4th,	{ Deerfield . . . Conway . . . Whately . . . }	David T. Vining .	Conway.
5th,	{ Northfield . . . Bernardston . . . Leyden . . . Colrain . . . Heath . . . }	Jonathan Budington,	Leyden.
6th,	{ Ashfield . . . Buckland . . . Charlemont . . . Hawley . . . Rowe . . . Monroe . . . }	Vaniah M. Porter .	Rowe.

COUNTY OF BERKSHIRE.

1st,	{ Hancock . . . Lanesborough . . . New Ashford . . . Williamstown . . . Clarksburg . . . }	John W. P. Buck .	Clarksburg.
2d,	{ Adams . . . North Adams * . . }	Nelson H. Bixby . S. Proctor Thayer .	Adams. No Adams.
3d,	{ Pittsfield . . . Dalton . . . }	S. W. Bowerman . Oliver W. Robbins .	Pittsfield. Pittsfield.
4th,	{ Florida . . . Savoy . . . Cheshire . . . Windsor . . . Washington . . . Peru . . . Hinsdale . . . }	Frederick S. Rice .	Florida.

* Town of Adams divided and North Adams incorporated April 16, 1878.

COUNTY OF BERKSHIRE — CONCLUDED.

District.	Town.	Name of Representative.	Residence.
5th,	{ Becket . . . } { Lee . . . } { Otis . . . } { Tyringham . . }	Norman W. Shores,*	Lee.
6th,	{ Richmond . . . } { Lenox . . . } { Stockbridge . . } { West Stockbridge . }	Henry J. Dunham .	Stockbridge.
7th,	{ Alford . . . } { Egremont . . . } { Great Barrington . } { Monterey . . . }	Marshall S. Bidwell,	Monterey.
8th,	{ Mt. Washington . } { New Marlborough . } { Sandisfield . . . } { Sheffield . . . }	George A. Shepard .	Sandisfield.

COUNTY OF NORFOLK.

1st,	{ Dedham . . . Norwood . . . }	Thomas J. Baker .	Dedham.
2d,	Brookline . . .	Edward I. Thomas .	Brookline.
3d,	Hyde Park . . .	Hobart M. Cable .	Hyde Park.
4th,	{ Milton . . . Canton . . . }	Edward R. Eager .	Canton.
5th,	{ Quincy . . . Weymouth . . . }	James Edwards . Charles H. Porter . N. D. Canterbury .	Quincy. Quincy. Weymouth.
6th,	{ Braintree . . . Holbrook . . . }	Joel F. Sheppard .	Braintree.
7th,	{ Randolph . . . Stoughton . . . Sharon . . . Walpole . . . }	Jonathan Wales . Newell S. Atwood .	Randolph. Stoughton.
8th,	{ Franklin . . . Foxborough . . . Wrentham . . . Bellingham . . . Medway . . . }	Henry R. Jenks . J. W. Thompson .	Franklin. Medway.

* Elected Feb. 10, *vice* Alexander Hyde of Lee, deceased Jan. 12.

HOUSE OF REPRESENTATIVES.

COUNTY OF NORFOLK — CONCLUDED.

District.	Town or Ward.	Name of Representative.	Residence.
9th,	{ Needham . . . } { Dover . . . } { Medfield . . . } { Norfolk . . . }	James Mackintosh .	Needham.

COUNTY OF BRISTOL.

1st,	{ Attleborough . . } { Norton . . . } { Mansfield . . . }	George N. Crandall . Burrill Porter, jr. .	Attleborough. Attleborough.
2d,	{ Easton . . . } { Raynham . . . }	William O. Snow .	Raynham.
3d,	{ Taunton . . . } { Berkley . . . }	James M. Evans . Charles A. Reed . Lloyd Everett White,	Taunton. Taunton. Taunton.
4th,	{ Acushnet . . . } { Fairhaven . . . } { Freetown . . . }	John W. Marble .	Freetown.
5th,	{ New Bedford, Wards } { 1, 2, 3 . . . }	Eben C. Milliken . James A. Crowell .	New Bedford. New Bedford.
6th,	{ New Bedford, Wards } { 4, 5, 6 . . . }	A. Edwin Clarke . Andrew Bulloch .	New Bedford. New Bedford.
7th,	{ Westport . . . } { Dartmouth . . . }	Henry A. Slocum .	Dartmouth.
8th,	{ Fall River, Wards } { 1, 2, 3, 4 . . . }	Robert Howard . Frank W. Burr . John Stanton .	Fall River. Fall River. Fall River.
9th,	{ Fall River, Wards } { 5, 6 . . . } { Somerset . . . }	James F. Davenport, Silas B. Hatch .	Fall River. Fall River.
10th,	{ Seekonk . . . } { Swanzy . . . } { Rehoboth . . . } { Dighton . . . }	Remember Smith .	Rehoboth.

COUNTY OF PLYMOUTH.

District.	Town.	Name of Representative.	Residence.
1st,	{ Hingham . . . } { Hull . . . }	Joseph Jacobs, jr. .	Hingham.
2d,	{ Cohasset . . . } { Scituate . . . } { South Scituate . }	Thomas F. Bailey .	Scituate.
3d,	{ Marshfield . . . } { Pembroke . . . } { Hanson . . . } { Halifax . . . }	Francis Collamore .	Pembroke.
4th,	{ Duxbury . . . } { Kingston . . . } { Plympton . . . } { Carver . . . }	Peleg McFarlin .	Carver.
5th,	Plymouth . .	Winslow W. Avery .	Plymouth.
6th,	{ Wareham . . . } { Rochester . . . } { Marion . . . } { Mattapoisett . }	Stephen D. Hadley .	Marion.
7th,	{ Middleborough . }	John C. Sullivan .	Middleboro'.
8th,	{ Bridgewater . . }	Arthur Hooper .	Bridgewater.
9th,	{ Rockland . . . }	Charles W. Howland,	Rockland.
10th,	{ Brockton . . . }	Albert Keith . .	Brockton.
	{ West Bridgewater . }	Davis S. Packard .	Brockton.
11th,	{ Abington . . . }	Job P. Farrar . .	Abington.

COUNTY OF BARNSTABLE.

1st,	{ Sandwich . . . } { Falmouth . . . }	James E. Gifford .	Falmouth.
2d,	{ Barnstable . . . } { Mashpee . . . }	Clark Lincoln . .	Barnstable.

HOUSE OF REPRESENTATIVES.

COUNTY OF BARNSTABLE — CONCLUDED.

District.	Town.	Name of Representative.	Residence.
3d,	{ Yarmouth . . . } Dennis . . . }	Charles F. Swift .	Yarmouth.
4th,	{ Harwich . . . } Chatham . . . }	Watson B. Kelley .	Harwich.
5th,	{ Brewster . . . } Orleans . . . } Eastham . . . } Wellfleet . . . }	Jesse H. Freeman .	Wellfleet.
6th,	{ Truro . . . } Provincetown . . . }	Atkins Hughes .	Truro.

COUNTY OF DUKES.

1st,	{ Chilmark . . . } Cottage City * . . . } Edgartown . . . } Gay Head . . . } Gosnold . . . } Tisbury . . . }	Tristram Cleveland .	Cottage City.
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COUNTY OF NANTUCKET.

1st,	Nantucket . . .	Henry Paddack .	Nantucket.
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DANIEL W. WALDRON	<i>Chaplain.</i>
O. F. MITCHELL	<i>Sergeant-at-Arms.</i>

* Town of Edgartown divided and Cottage City incorporated Feb. 17, 1880.

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[Congressional Districts established by Chap. 390, Acts of 1872, and Chap. 113, Acts of 1876.]

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Commonwealth of Massachusetts.

SECRETARY'S DEPARTMENT, BOSTON, July 16, 1881.

I certify that the Acts and Resolves contained in this volume are true copies of the originals, and that the accompanying papers are transcripts of official records and returns in this Department.

HENRY B. PEIRCE,

Secretary of the Commonwealth.

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